

Kill All The Lawyers? (How our schematas were broken) by Hugo v7.2

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Preface to the Preface

This book is a cautionary tale. After reading it, you should be very very scared. You will understand that In America today, the ruling class is made up of lawyers. And lawyers, being the greedy personality disordered subhumans that they are, happily suck the peasants (people) dry, and cause great amounts of mental anguish. Lawyers make the laws to benefit themselves, and will continue to do so until they, like the French monarchy, create their own undoing. True, there aren't many guillotines in America, but there are plenty of wood chippers.

Preface

Kill All The Lawyers? will explain why you are doomed. Admittedly, it is dull, not a spellbinder. (How's that for honesty?) This book is a true horror story. If you read it, you will be very scared for a very long time, maybe forever, assuming that you have a functioning brain. No kidding. However, if you are a lawyer or a thief, you might die from laughter. Good.

Compare our nightmare with the propaganda you've seen on lawyer TV shows and movies. Find out about all the unpleasant facts of life when you're involved in a lawsuit. And learn about the Oral Contract Income Redistribution Scam, and how easy, with the help of the legal system, it is to take money from old people with Dementia or Alzheimer's disease.

Much of this book attempts to give you information, and not keep you on the edge of your seat. What I write in this book is factual. It is about the dysfunctional legal system, as well as a dysfunctional family. With the exception of telephone conversations and face-to-face conversations, I can document what I tell you, assuming materials supposedly living with the court system aren't missing if they are needed. I cannot teach you how to protect yourself from judges and lawyers, since there is no way you can protect yourself from them.

What would you do if one of your scuzzy relatives took \$50,000 from your 95 year old mother who was suffering from Dementia or Alzheimer's disease? Read what my wife and I did, and maybe learn from our mistakes. And learn how the real legal system differs from how the legal system is portrayed in movies and TV shows.

This book is a cautionary tale. ***It is not meant to solicit sympathy, but to warn you what is in store for you.*** If you are an honest person, one way or another, the legal system will get you. Read this book as if what has happened to us is happening to you. What would you do in the various situations we have found ourselves in, and with the various lawyers we found ourselves involved with. For example, when a lawyer sends a bill for \$8,500 for all the hard work he says he did on your behalf last month, think of how you are going to pay it. Look for the money between the cushions of your couch? If you are nowhere near rich, get scared.

Introduction

I am Eliot and I have degrees in both psychology and photography. I am a “failed artist”, that is, I do my art but I’m not commercially successful. I do have a documented track record of seeing future trends that are ten or fifteen years off, but I haven’t found a way to make money from that ability. The importance of the preceding sentence may become apparent to you by the time you finish this book.

My wife Emma has degrees in psychology as well as certification as a paralegal. For the last 14 years before she retired, she worked as a paralegal and office manager for a forensic psychiatrist, and also had a “home business” doing paralegal work for other doctors. A forensic psychiatrist is one who deals with legal issues involving his patients. Doctors who work in the Workers’ Compensation field, or have patients who are involved in personal injury lawsuits, etc., have a need for paralegal assistance. After many years of just getting by financially, Emma started making good money when she began her home business. Good money, for Emma, was over \$100,000 a year.

Emma began spending more time helping her aging mother, Frances, with shopping and other daily tasks when Frances was in her 80’s. This wasn’t a chore for Emma, because she loved her mother and was happy to be helpful. When Frances was in her early 90’s, family members began noticing that Frances was becoming “forgetful”. This was the very early stages of Frances’ dementia. Dementia is a loss of brain function that affects memory, thinking, and behavior. It is not uncommon for a demented person to forget who relatives are, often mistaking a daughter for a sister, or not recognizing a son as a relative. Alzheimer’s disease is a form of dementia, as is senility. The early symptoms of Dementia and Alzheimer’s disease are forgetfulness, first recognized when a person repeatedly tells you the same thing, not remembering that they have already told you that story or incident numerous times. Dementia literally means, “without a mind”.

Emma has a brother, Edmond. To say that they have never been close is an understatement. Edmond left his family when he was about 18 years old. He wouldn’t be heard from for a year or two, and then he’d appear at a holiday dinner and spend an hour or two with his family, and then disappear for another year or two. Frances usually did have his telephone number, and would call and ask him to come and visit her, or to accept her invitation for a Thanksgiving dinner. On these occasions, Frances would be speaking to Edmond’s answering machine. Edmond rarely returned her call. Just why Edmond abandoned his family is a mystery. Emma believes that there is a family gene that affects the males in her family. She can name numerous male relatives who have also abandoned their families, including Edmond’s son George who abandoned Edmond, all for no apparent reason. For whatever reason, Emma got no help from Edmond taking care of their mother in her declining years, or at any time for that matter.

Emma has a daughter, Rhonda, who was 39 years old when the following story begins. Being polite, Rhonda is “strange”. Her father Jesse was Emma’s first husband. He was bi-polar, which used to be called manic-depressive. He was a handful for Emma to deal with. On one occasion, when Rhonda was two years old, Emma found Jesse trying to feed his pills for his bi-polar condition to Rhonda. Emma freaked out. Jesse said that since the pills made him feel good, he thought they would make Rhonda feel good too. Maybe Rhonda was mistreated or abused by Jesse, which caused her to be “strange”. And not nice. And a very angry and mean person.

Both Emma and I, armed with our Master’s degrees in psychology, assume that someone at sometime sexually molested Rhonda, which is the cause of her extreme anger and spitefulness. Emma and Rhonda are estranged from each other. Emma also has a son, Ephrim. He is a few years younger than Rhonda, and he, like his uncle

Edmond, has abandoned his mother. Apparently he and his sister Rhonda are close, or at least are on speaking terms.

Emma finally divorced Jesse when their children were in their late teens. Jesse went to live in another State, where his brother and sister lived and they helped take care of him. He died from a "head injury" before the following story begins. Although I can't confirm this, it was common knowledge that after he moved away, Jesse would go into convenience stores and pick a fight with someone, and the police would be called and they'd take him to the local hospital, where he would be given medicine for his bi-polar condition. Emma and I wonder if Jesse picked a fight with the wrong person, maybe with a police officer, which resulted in a head injury. Rhonda knows the circumstances of her father's death, but she isn't talking about it, at least not to Emma.

Background information for understanding this book

In 2000, when Frances was 90 years old, Edmond reappeared after a 10 year absence, without a word heard from him in all that time. When Emma asked Frances how she felt about seeing her son after so many years, she said it was very nice to see him, but she didn't trust him. Emma asked why, and Frances said, "The first thing he asked me was whether I had a Will. I told him I did."

A few weeks later, Edmond gave a small party for family members he hadn't seen in many years. The party was held at his girlfriend Ruth's home, so Edmond's relatives got to meet her. The very first thing Edmond said to his sister Emma, who he hadn't seen in 11 years, was "Does mother have a Will?" Emma said she did. Edmond replied, "That's what she said but I wanted to be sure." There was almost no further contact between Emma and her brother for about another four years after this party he gave for relatives.

Frances had set up her estate years earlier. She did a beautiful job. She created three certificates of deposit (CD's), one for Emma, one for Edmond, and one for her grandchildren (Rhonda, Ephrim, and two others, Dennis and George who were Edmond's children). The CD's were in Frances' name, but the children and grandchildren were beneficiaries, and so would inherit money when she died. No lawyers or probate involved.

Frances also put Emma's name on the deed for her fully paid for condo. She told Emma that her lawyer suggested she do this for a number of reasons. If at some time in the future, Emma needed to enter the condo to help her mother, she'd have the legal right to do that, since she'd be a part owner. Another reason was that it was to be part of Emma's inheritance. If Emma wanted to live there, or sell it, that would be up to her. And again, no lawyers or probate would be involved. When Frances died, the condo would automatically be Emma's. Frances said that she didn't put Edmond on the deed because he wasn't around and so wouldn't be helpful to her if she needed help, and she didn't want to reward him for his long absence from the family.

Frances had a Will drawn up, leaving specific things to her children and grandchildren. For example, she left Rhonda the "good" china, and Ephrim his grandfather's record collection and stereo. She left Emma all the furniture and anything else that wasn't given in her Will to someone else. And as just mentioned, Frances also put Emma's name on the deed for the condo Frances owned, and Frances also had a durable power of attorney (DPOA) created, with Emma being the person who could act on her behalf if the need arose.

A DPOA is one that doesn't go into effect until someone, usually a doctor, decides that the person the DPOA is for can't take care of himself or herself, and so needs someone to act for him or her.

Edmond would visit his mother and take her out to dinner a few times a year. This was better than his being completely absent, but there were a few problems associated with his visits. First, he took Frances to The Cheesecake Factory, where Frances would eat cheesecake. The problem with that was that she had diabetes, and eating sweets was a big no no for her. Emma would occasionally find pastries in her mother's refrigerator when putting away groceries she bought for her mother. Emma left a voice message and then sent an email to Edmond, telling him that he shouldn't take Frances to the Cheesecake Factory to eat sweets, and he should stop bringing homemade pastries to Frances. When Emma mentioned the above to me, I casually commented that he was trying to kill his mother for his inheritance. Emma thought I might be right. Oh, and it turned out that when Edmond took his mother out to dinner, Frances paid for the meal, which often included paying for his girlfriend/fiancee Ruth.

Around 2003, Frances' memory problems couldn't be dismissed as just a "senior moment" every now and then. Emma started taking Frances to the psychiatrist she worked for. I drove her to these appointments and home again. About ten minutes after the appointment was finished, I would drive Frances to her condo. I would ask her how her appointment went. She always replied, "He asked me to remember three things. I remembered one." I would say, "One is good, what about the other two?" Frances always replied, "I don't remember if I remembered the other two." This should give you a good idea that Frances was having severe memory problems. And dementia is a progressive disease. It gets worse over time, not better.

Sometime in 2003, Frances called Emma and told her she wasn't feeling well. Frances wasn't a "complainer", so Emma took her mother's call seriously, and called 911 and requested someone check up on her 93 year old mother, who lived alone. When we arrived at the condo, the fire department was there, in the process of putting Frances into an ambulance to take her to a hospital. We got to the hospital shortly after the ambulance, and we spent five hours with Frances while the doctors tried to find out what was wrong with her. They knew that there was something wrong, but their tests didn't show what. Eventually, the doctors told Emma to take her mother home and keep an eye on her.

When we got Frances to her condo, Emma noticed that her mother hadn't taken her morning pills. Every Sunday Emma would put Frances' pills into containers for her to take each morning and night for the coming week. We decided that Frances' medical problem was caused by the sudden withdrawal from one or more pills. While most people can skip a regularly taken pill now and then with no ill effects, Frances' 93 year old body and brain couldn't handle the sudden loss of certain chemicals. To make sure this didn't happen again, Emma decided to call her mother every morning at seven and every night at seven, and make sure Frances had taken her pills and was feeling good. In August of 2004, after Frances had been seeing her psychiatrist for a few months, the doctor told Emma that he thought it was time for her to activate the durable power of attorney that had been prepared, because he believed that Frances was so confused that she shouldn't be allowed to handle her own finances. He wrote a letter saying this, and Emma sent it to Frances' attorney, Seymour, and asked for instructions for activating the DPOA which he had prepared. He told Emma what the procedures were. Around this time Frances would call Emma from time to time and tell her that "some lawyer" kept calling and wanted her to change her Will. She would say that the lawyer made an appointment to come to her condo and have her sign papers. Emma would ask Frances if that's what she wanted to do. Frances would say no. Emma would tell Frances to call the lawyer and tell him not to come over, to cancel the appointment. Frances did this a number of times. Just who the lawyer was and why he wanted Frances to change her Will was a mystery. Maybe Frances was just confused, and there was no lawyer trying to get her to sign papers.

On September 3, 2004, which was about four years after Edmond “returned”, Emma received a letter from Seymour the lawyer, who prepared Frances’ DPOA, requesting or maybe demanding that she send him a copy of the deed to the condo. Why he wanted a copy of the deed was a mystery. No explanation was given. Emma asked me what she should do, and I said that if this guy was a lawyer, he should know how to get his own copy of a deed. Emma wrote him a letter asking why he wanted a copy of the deed. She discussed her mother’s confusion and forgetfulness and thanked him again for having advised her about activating the DPOA which he had previously prepared for Frances. She asked if he was talking with Mother about changing her Will and reminded him that Frances was too confused and forgetful and therefore not competent to make such changes. Emma included another copy of Frances’ psychiatrist’s letter stating that it was time to activate the DPOA which Emma had previously sent him. The lawyer did not reply to Emma’s letter.

At that time, Frances started calling Emma several times a day, instead of once every week or two, upset because “some lawyer” called her and wanted her to change her Will. Sometimes Frances was crying when she would make these calls. Emma again told Frances to call the lawyer and tell him to stop bothering her.

As Emma suspected, it turned out that the lawyer who wanted Frances to change her Will was Seymour, the one who also wanted the deed to the condo, and the one who made Frances’ Will. When Emma realized who the lawyer was, she sent him a letter reminding him that she had previously sent him letters from Frances’ psychiatrist saying that Frances was not mentally competent to make financial decisions, and that he had advised her how to activate the DPOA he had drawn up. Therefore, since the psychiatrist said that Frances was not mentally competent, she shouldn’t make any changes to her estate, which she set up when she was competent. Seymour ignored this letter and kept calling Frances to make changes in her Will, to the benefit of Edmond.

Emma spoke to Bart, one of her “telephone friends” who was a lawyer she knew from work, and explained that her mother was not mentally competent and that a lawyer was trying to get her to change her Will. She asked Bart if he could contact the lawyer and get him to back off. Bart said he’d write a letter on her behalf. He did, but nothing came of it.

Emma was so upset by lawyer Seymour’s trying to get Frances to change her Will, she sent an email to her brother and children telling them what was going on, and questioned why the lawyer was doing what he was doing. She said that she intended to keep Frances’ estate plan the way it was set up when Frances was thinking clearly. She also questioned whether the lawyer was planning on making money in a lawsuit defending any change he managed to have made, if he was successful in getting Frances’ Will changed, and if a lawsuit about those changes took place. Emma didn’t say, but she wondered if Seymour had made a deal with Edmond to get a percentage of whatever he could get Edmond. After sending this email, Emma got a letter from Seymour which upset her. Following is a letter Emma sent to Seymour in response:

“Mr. C.,

1. Regarding the condo being placed in joint tenancy:

I was not consulted in advance, but told that was what she wanted to do. I do not appreciate the insinuation (“I will not involve myself with your role in bringing that about.”) which I read as a veiled threat to attempt to undo that transfer because you feel I took advantage of my mother, and twisted her arm to get her to make me a joint tenant, about fifteen years ago. If that was your point, then I am sure her attorney [at that time], (and his son who is also an attorney) will be interested in seeing your

evidence.

2. Your point that I must agree with you that my mother is competent because I had a Power of Attorney drawn up, and an incompetent person can't legally sign one, is ridiculous. Trying to keep a very long story short, one which involves a number of telephone calls, two letters and one meeting with a long-time friend of my parents (of probably 50 years standing), who is also an attorney:

He told me that he was concerned about my mother's confusion. I told him that she has good days and bad days, although the bad days were becoming more numerous. I asked him how I could protect her from herself. She has been talking about giving her money away because, as she said numerous times, she doesn't need it. He suggested a Power of Attorney. I asked if her confusion would invalidate it. He advised that I wait for one of those days when she was "her old self". That is just what I did. I call her every morning at 7:00 to remind her to take her pills. Many mornings she is confused. The first day she wasn't confused, I left work early and took my mother to a notary. She thanked me for taking care of her. That day was like being with my mother of old.

3. Your insinuation that I would take advantage of my mother or do something illegal is repugnant. Turn-about is fair play. I ran into difficulty getting that Power of Attorney accepted by the bank. Then, while going through some of my mother's papers, I found the Durable Power of Attorney you had drafted, but I hadn't known about. I contacted you and you gave me suggestions for getting the bank to accept the one you made. You offered to give me further advice on this matter in the future as needed. If you believe that my mother was competent at that time, you were assisting me in trying to get the bank to accept the DPOA for a competent person, which doesn't sound legal to me. Or do you believe as I did that she was too confused at that time to handle her finances herself, except for rare days, but has had a miraculous cure or remission of her Alzheimer's disease and is now thinking clearly? Or maybe you just took my word for my mother's condition, which doesn't sound to me like due diligence. You have mentioned her memory problems, but neglect to mention increasing confusion which everyone else has noted.

4. As for the qualifying physician being J.L., M.D., an internist, and not her treating psychiatrist:

I am informing you that Dr. L. deferred all aspects of my mother's mental health assessment and treatment to Dr. C. It seems to me that you are now trying to see to it that the bank does not accept the Durable Power of Attorney which you drew, on some kind of a technicality. I wonder what your motives are. Do you wish to see her give her money away? Or do you want to take control of it yourself for "safe keeping"?

5. You stress that your opinion of my mother is that she is competent, regardless of what her psychiatrist has written. Are you also a psychiatrist? (I do know one psychiatrist who is also a lawyer, so it's possible.) If so, how many mental status exams have you given her? Over what period of time? What were the results? What psychological tests did you administer? What were the results? Did you repeat them over time? What is your diagnosis and prognosis? Maybe you would like to compare notes with those of Dr. C.? All you need do is get written permission from my mother to allow Dr. C. to discuss my mother's medical condition with you. It seems to me that would be helpful. Don't you? If not, why not? Is it because you are afraid that you won't like what you hear? Or that Dr. C. will not accept the written permission because she is incompetent? Why not give it a try and see what happens. Or be prepared to explain some day why you didn't.

6. As for my brother and changes to my mother's Will and disposition of her

property:

My brother distanced himself from our family for a period of thirty years, with only an occasional holiday get-together every few years. He would not break a vacation short to visit my father when he was on his death bed in the hospital. After my father's death, my brother was absent from the family, with no contact at all, for approximately ten years. During that time, my mother transferred part of her condo to me (see above) and repeatedly told me that the entire property would go to me, as an asset for my old age. I am SO HAPPY (NOT) to hear that you feel it is appropriate that my brother be rewarded for his lengthy absence from our family, and that I should be punished by my Alzheimer's infected mother reneging on her promise. True, it was only a verbal promise, but my mother was always a person of her word. Even if it were in writing, it wouldn't do me any good, since you would just try to have it set aside, now wouldn't you? (I think you are a very evil person.)

I assure you that any changes to my mother's Will or disposition of her property, even ones benefiting me, will be challenged. It is my intent to see to it that the arrangements my mother made many years ago, with the advice of her attorney and accountant, be left as is. The Will you drew in 1998 will not be challenged. She was thinking clearly then. She is not thinking clearly now, regardless of what you think, "Dr. (!)Seymour", I don't understand why you have chosen to disregard the findings of her psychiatrist, who started treating her a number of years ago for depression, a problem which was cleared up in a matter of two or three days after she starting taking medication.

Your last letter upset me so much that I started to cry. I have heard that Hell is any place that has no reason. There is increasingly no reason in the mind of an Alzheimer's patient. Dealing with my mother now and watching her deteriorate mentally is also Hell. Believe me, it would be painful enough even if people we are dealing with would be totally supportive and caring. But people like you and those at the bank have driven me into a deeper Hell.

I do not want to hear from you again. Do not send letters addressed to me to my mother or to me at my home or anywhere else. I will not read any further letters from you. When I learn that you have made changes regarding my mother's Will or property, I will contact my husband's attorney at O'Melveny and Myers for guidance in selection of an attorney for any challenges I will want to make, as well as any other actions suggested to me by the attorney. I assure you that if you do transfer my Alzheimer's diseased mother's share of the condo to my brother, or to yourself, or to anyone else for that matter, I will sue you for my economic loss, punitive damages, and anything else my attorney suggests. While I hope it doesn't come to this, it will be interesting to hear you justify in court why your evaluation of my mother's mental state is valid, but that of her psychiatrist and those of her friends of many years as well as family members, aren't. Maybe you realize you will lose in court, but will make money drafting a new Will, etc., and then defending it?"

Frances' forgetfulness was getting worse. At the end of August 2004, Emma got an email from her aunt Evelyn, Frances' younger sister. In it she mentioned Frances' forgetfulness and said that Frances didn't know who her son Edmond was.

At about this time, Frances started telling Emma that she wanted to give away all of her money. She'd ask, "Why should I wait to die to give people money?" Emma tried to explain to Frances that she might need her money for her care, and so giving away all her money wasn't a good idea. Sometimes Frances seemed to understand this, and other times she'd just shrug her shoulders.

Emma went to the bank and asked someone what she could do to protect Frances

from herself. Since she had three different power's of attorney by this time, Emma was told that the bank would put a notice in their computer system saying that if Frances tried to do anything with her money, Emma would be notified and have to give her permission. So Emma felt a bit better. But watching her mother deteriorate and "talk nonsense" was upsetting.

Emma thought that someone was putting the idea of giving away money into Frances' head. Emma thought it might be one of Frances' friends, or a neighbor in the condo building, or maybe her daughter Rhonda. Emma thought that Rhonda was the type of person to steal money from an old person. Emma thought it best to send Edmond a "heads up" email, to alert him that their mother wanted to give her money away. On August 20, 2004, Emma included in an email she wrote to Edmond the following:

"I am concerned because it seems that someone (Rhonda? One of mother's friends?) has been trying to talk her into taking money out of the bank now to disperse to family. I spoke with her attorney [Not Seymour] yesterday and he said that would be a very bad idea as she may need that money in the future to support herself. She doesn't understand this. Please help me to make sure she does not make any changes in her finances. So please help me tell Mom that she should keep her money as she may need it. He also mentioned that if someone does get her to do this, there could be legal repercussions in that she is not fully able to make decisions rationally now and whoever helps her to make such changes could be accused of taking advantage of a person [who] is not completely able to make her own decisions."

Seymour just wouldn't quit! Not only did he continue to harass Frances about changing her estate plan, but he continued to harass Emma. Now he started accusing Emma of forcing her mother to put her name on the condo Deed. The reality was that Emma didn't even know her mother was adding her to the Deed until after Frances did it, with the help of a different lawyer, not Seymour. Emma had always told her mother to do whatever she wanted with her assets when Frances was still thinking clearly and asked for Emma's advice. We decided Seymour must have been desperate for work and for a client to send bills to. Why else would he continue to pursue Frances to get her to change her plans.

We also wondered how Frances "hooked up" with Seymour. It turns out that his mother owns the condo next to Frances'. That is the only connection we have found between lawyer Seymour and Frances.

Frances got a bill dated September 20, 2004 from Seymour for \$1,100. Of course, Frances didn't understand what the bill was, let alone what it was for. She showed it to Emma, who wrote a check from the joint checking account they had, to pay it. Most of the bill was for canceled appointments with Frances. Emma decided that it was simpler to pay the (thieving) lawyer off than to get into a lawsuit over his bill.

A month after Emma sent the email to Edmond about someone putting an idea into their mother's head about giving away all her money, Frances told Emma that Edmond was coming to see her on the next Sunday, and asked Emma to be there too and to be sure to bring me with her. Emma reminded her mother that she always came over on Sundays. Frances said she wanted Emma to be there when Edmond was because she felt uncomfortable. Seymour had been calling and telling her to change her Will, and she thought that maybe Edmond had something to do with that. She continued saying that maybe Edmond was going to make her sign things, and she didn't want to, so she wanted Emma and me there.

On September 19, 2004, Emma and I went over to see Frances. On every Sunday Emma spent an hour or more putting her mother's pills into containers, taking note of which ones needed to be refilled, and putting away the home cooked food Emma made

for her mom and the things we bought at the grocery store for her. Edmond and his friend/fiancee Ruth were already there. The three were sitting at the tiny kitchen table which left no room for us. That wasn't a problem, since there was an even smaller table Emma sat at to put Frances' pills into their boxes. I took a chair from the dining room and sat in the middle of the kitchen.

At first the conversation was between Edmond and Frances, and was just chit chat. Nothing memorable. Emma wasn't taking part. Then Edmond said to Emma, "When mother dies, I want you to give me half of the condo." He was sitting right next to Frances when he said that. Frances was offended/upset. She stood up and turned to leave the kitchen. She was now facing Emma. She said, "Do what you want" and left the room. Edmond's comment/demand was inexcusable. After Frances left, Emma said, "Maybe I'll give you as much as 2%, but to get that, you'll have to call off your lawyer, and help me with Mother, and if Mother ever needs money, you'll have to chip in." By this time Emma decided that Seymour was working for Edmond, but billing Frances. Edmond said, "Why only 2%?" Emma said, "Because I think you may have been around the family 2% of the time since you were 18".

For the first time, I spoke. I said, "Edmond, quite some time ago your mother set up a \$50,000 CD with you as the beneficiary, and it's gained interest over the years. That's not enough money for you? You need to take half of your sister's inheritance?" Edmond just looked at me. I felt uncomfortable so I left the room. I felt a "presence" behind me, so I turned and there was Edmond. He said to me, very politely, "Eliot don't talk about my finances in front of Ruth." I realized I made a social error, and said, "Well, you introduce her as your fiancee, so I just thought you knew about each other's money." Edmond repeated that I shouldn't talk about his finances in front of Ruth. I walked past him and went back into the kitchen. Emma was putting the bag of pills back into a cupboard, saw me, and said she thought it was time for us to leave. She'd leave paying her mother's bills for another day. Frances was no longer remembered how to write a check, and she no longer could understand what her bills were for. So Emma had been writing the checks and mailing them for quite some time.

We went into the living room where Frances was sitting. Emma kissed her mother goodbye, and I waved goodbye, and we walked out the door. As soon as the door shut behind us, Emma said to me, "Share could mean 1/4 of 1%. At least now maybe he'll call off his lawyer and stop harassing me and mom."

Two days later Emma received a letter from Seymour the lawyer, saying that she'd have to put the "agreement" in writing, or it wouldn't be enforceable. The letter was addressed to Frances, with a copy sent to Emma's lawyer friend Bart. Bart sent a copy of the letter to Emma. We assume that Seymour also sent a copy of the letter to Edmond. In the letter Seymour wrote that Frances had a moral obligation to put the agreement in writing. If she didn't, Seymour wrote that the "agreement" was unenforceable. Emma read the letter, gave it to me, and said, "What agreement?" Knowing that the agreement, whatever it was, was unenforceable made Emma feel a bit better about the strange situation regarding the condo and Frances' Will. And if there was an agreement, Edmond just broke it by getting his lawyer involved, instead of calling Seymour off. I mean, is the agreement for 50% or 2% or for what amount, if anything?" And is there an agreement if Emma felt pressured to tell her brother she'd share anything with him. Can you say Duress? And were there conditions that Edmond had to meet, such as helping with his mother? Seymour's demand that the "agreement" be put into writing was the last we heard from him about the condo.

The next day Emma got an email from Edmond demanding that she put the agreement in writing, and within 60 days of Frances' death either Emma was to put the condo up for sale

or buy his 50% share from him. The fact that he had no claim to the condo apparently was irrelevant to both Edmond and Seymour. Since this email echoed the letter Seymour sent to Frances and forwarded to Emma by Emma's attorney friend, even with the same wording in parts, Emma drew the logical conclusion that Edmond was the one behind all the harassment about Frances changing her Will. His lawyer, Seymour, had billed Frances. Nifty for Edmond. How Edmond "hooked up" with Seymour is another mystery to us, but we assume that he rummaged through Frances' papers on the occasions he'd drop over to take her to the Cheesecake Factory.

Emma showed the email from Edmond to her mother, and explained some of it because Frances was having problems understanding things. Then Emma summed up their conversation in an email she sent to her brother, with the subject line "You owe me big time"

"Edmond, You have overstepped the line. I told you about two weeks ago that I would share with you if you participate in helping Mom and if we don't need to deal with attorneys. Sunday when we met at Mom's you acted like you were fine with everything I said about making sure everything remained intact to take care of Mom's needs. Then last night, apparently after conferring with your lawyer (since your demands paralleled those he sent to my lawyer,) you demanded an agreement to be drawn up by an attorney and to your specifications. Just so you know, your lawyer has continued to harass Mother although she clearly told him to leave her alone both verbally and in writing. She was very upset to receive a phone call from him today. He has been notified if he continues to bother her, I will sue him. I simply will not let anyone upset Mother any more. Enough is enough! She is entitled to have some peace in her life. Mother is further upset by the fact that you are making the demands of me that you are. She is ready to disinherit you altogether. She has told me to share with you whatever I think is appropriate when the time comes. I did convince her that she should not retract the \$54,000+ that is in a trust [beneficiary of a CD] for you as she told me she wanted to do today. As I have previously said, I intend to protect the status of her "estate" as she set it up when she was thinking clearly all the time and made her decisions, even if it would benefit me to let her make changes. Someday you will have to thank me for protecting that account for you. She told me she is going to write you a letter, but I don't know if she will follow through with it. I strongly suggest that you stop telling her that you need money and that you want half of the condo. The last thing she said to me on the subject was, '10 more years of silence wouldn't be so bad and this time it would be my decision'. Emma."

The "10 more years of silence" was in reference to Edmond's total absence from the family which began the day after his father's funeral. That was in 1989, and he "returned" in 2000. Possibly Emma's letter did the trick, because nothing more was heard from Seymour or from Edmond about Frances' Will or the condo. Our lives returned to being routine.

On a Friday in October 2005, Emma made her daily call to her mother at seven in the morning, and got no answer. This alarmed Emma, so she called one of Frances' neighbors, who had a key to Frances' condo, and asked her to check on Frances. We left our house and twenty minutes later we were at the condo. The neighbor was nowhere to be found. We tried to open the door to the condo but it was "stuck" and we couldn't open it. Emma called 911 and told them about our situation. A short time later the fire department with paramedics arrived. They too tried to open the door, but couldn't. The condo was on the second floor with a balcony, so they decided to put a ladder up to the balcony and enter through a sliding door. But a policeman shoved his shoulder into the door and got it open. Frances had put a chair

leaning against the door under the doorknob, like you've seen in movies or TV shows. She did this because people with dementia often become "paranoid" and Frances believed that "a man" had taken a set of keys to her condo and she was afraid. Of course Emma tried to reassure Frances, but she would return to that fantasy every few weeks.

Once the door was open the firemen and paramedics found Frances lying on the floor of the living room. She was alive, but unconscious. They put her on a stretcher and got her to the hospital in just a few moments. Frances spent a long time in the emergency room, with Emma with her as much as the hospital would permit. Frances had suffered a heart attack, which was her third. Besides dementia, Frances had a bad heart, arthritis in her knees, and diabetes. Thinking about it, it's amazing that she was still alive at 95 with all of her serious illnesses.

Later that night Frances was in a private room, with numerous tubes stuck into her. Emma stayed with her as much as she could during the week her mom was recovering, but Emma did have to take time off to sleep, and to try to get to her job now and then to take care of things that just had to get done. When at the hospital, she spoke to various doctors and nurses, as well as one social worker, who told her that Frances shouldn't be allowed to live alone any longer. They said she was too confused due to her dementia. She might have an accident at the condo, or wander away and get lost or hurt or worse. And then there was the possibility that she'd have another heart attack or whatever and need immediate medical care.

Emma spoke to her family about what should be done. Arrange for 24/7 "sitters" to stay with Frances at the condo, or move her to an assisted living residence. The family thought that "sitters" would be a good idea, since letting Frances stay in familiar surroundings, which was previously suggested by her psychiatrist, might help lessen Frances' growing confusion.

Following are medical records which show that Frances was suffering from dementia. I am including them "for the record", but also because they become important as this cautionary tale continues.

ABBREVIATED MEDICAL RECORDS FROM Frances' LAST HOSPITALIZATION PRIOR TO HER MOVING TO ASSISTED LIVING

(emphasis added in bold type)

10/21/05 - P., M.D. - Cardiology Report. Describes history of patient being found on floor after daughter could not reach her by phone in her daily morning call. Daughter came to patient's home but was unable to get into the apartment and called police and firemen to break down door. Patient unable to provide history due to history of **dementia**. **Impression includes dementia**. "The patient should have social work evaluation for placement issues. Given the patient's age and multiple medical problems, living alone may not be her best option."

10/23/05 - B., M.D. - Emergency Room Admission Report. "HISTORY OF PRESENT ILLNESS: This is a 94 year old female who presents to the emergency department after being found down in her apartment. The patient did not respond to her phone as the daughter calls her routinely every morning. The patient then was not answering her door, but could be heard inside. The paramedics were summoned at that time where the door was knocked open. The patient was then found lying on the floor with her head on the bottom step of the staircase. The patient denies any falls. The patient states that she felt weak and guided herself to the ground." "PAST MEDICAL HISTORY: **Known for dementia**."

10/23/05 - Nurses' notes. At 1400 - Received patient from ER. Oriented to self only. Able to follow simple commands. Cooperative but anxious. Poor historian. Keeps repeating stories. Can't remember daughter's name. Unable to remember date/time/place. Keeps asking who I am. At 1700 - Daughter at bedside now. Contact info given.

10/23/05 - 15:18:00 - T., M.D. - History and Physical. Patient found down on the floor at home by daughter. "The daughter apparently calls her mother each morning and, having no answer this morning, she came to see what was wrong." In ER, the most probable diagnosis was acute myocardial infarction. "The patient is extremely **confused** and I cannot get a meaningful history. **She obviously is demented...**" Impression: **dementia**; congestive heart failure by ER history.

10/24/05 - Nurses' notes. At 0800 - Patient awake and alert, oriented to self only. Very **confused** and needs frequent reassurance. At 1200 - Patient remains very disoriented with almost no short term memory recall. Will continue to monitor closely. At 1930 - Patient pulled out Foley catheter and walked to nurses station. Patient **confused** and disoriented. Helped patient back to bed. At 2030 - Moved patient to room closer to nurses' station. At 2115 - Called Dr. L. regarding patient. Patient remains **confused**, agitated. Keeps getting out of bed and wandering. Dr. recommended calling daughter to come in or sitter. Called Emma. and she said she would come. At 2230 - Daughter and husband arrive. Husband was agitated and angry with nursing staff for moving patient and told staff that moving her **confused** patient. Nurse tried to explain it was for patient's safety so they could keep closer watch over her. Husband was yelling and said it was the nurses' problem and they should take care of it and get someone to sit with her. Dr. L. called back to follow up. At 2240 - Dr. L. talked with daughter on phone. Supervisor called for sitter but no sitter was available.

10/25/05 - Nurses' notes. At 0800 - Alert, tearful. States that "everyone is trying to kill me because I'm Jewish". At 2000 - Patient in bed. **Confused** and forgetful. All procedures were explained over and over to her but very forgetful. Sitter at bedside. At 2400 - Patient sleeping. Sitter at bedside.

10/25/05 - M., M.D. - Neurology consultation. History obtained from daughter, medical staff and chart. "The patient resides alone at her own home. Her daughter informs me the patient is able to dress for herself. She is able to feed for herself. She can bathe herself. She can groom herself." "With regard to the finances, the daughter has been looking after the patient's finances for the past several years. Over the past few years, the daughter feels the patient is more forgetful. She is able to recognize people but forgets their names. She has been having word-finding difficulty for the past 2 years. She has very rare hallucinations. Today during the examination, while talking to the patient, I asked her about her teeth. She has missing teeth. The patient informs me the teeth fell off and then appeared to walk away. She does not have any significant delusions. One occasion was a few weeks ago the patient commented to her daughter that somebody was coming into her house who had a key. However, the daughter informs me this is not true because only a limited number of people have access to the patient's house." The patient is being followed by a psychiatrist. "During the examination, she asked several times why I was examining her. She states "Do you think I'm an idiot?" She appeared very anxious and concerned. "She was alert and

oriented to her name only. **She was unable to provide the correct year, month, day of the week, date, current location, or the city.** "It was difficult to perform an accurate motor examination because she was not able to follow commands appropriately." CT scan on admission was apparently normal. Assessment: most likely a primary cortical dementing illness.

10/27/05 - K-R., M.D. - Initial Psychiatric Consultation. The patient has been quite agitated and out of control. She apparently has been very **confused** at times and agitated and difficult to manage on the medical floor. The patient herself is not a particularly reliable historian. There is a history of dementia of uncertain etiology. She is pleasant and cooperative in the interview. She is, however, **confused** with some difficulty in comprehension. She evidences some paraphasic difficulties in her language. She tells repetitive stories within a matter of less than a minute. She is not able to indicate her location, the year, the month. She knows her birthday is coming up soon but thinks she will be 93. She will actually be 95. "She has apparently been moderately functional and able to live by herself up until recently. At this point, all involved concur that this would no longer be safe and the family is working toward trying to find adequate care so that she can remain in her home environment for as long as possible. Certainly this is desirable if it is feasible and the social work staff is working with them to support this process." Will adjust meds. Diagnosis: **dementia**, possibly due to primary degenerative process, although she is certainly at risk for vascular dementia, and may have both etiologies. Organic delusional disorder, organic mood disorder.

10/27/05 - Neurologist's note. Patient has **history of dementia**. When she saw me today asked "are you my cousin?"

10/27/05 - Nurses' notes. At 1200 - patient very **confused**, attempting to climb out of bed. Unable to redirect. Placed in wheelchair to be brought out to nurses' station. Psych MD here to evaluate. At 1700 - patient continues to be **confused** and climbing out of bed. Patient anxious and states she wants to go home. Reassurance given. At 1900 - patient very **confused**. "I'm going home. I want to pack right now." Instructed patient that daughter will help her tomorrow morning. Patient wants to talk to daughter. Called daughter Emma. on phone and patient talked to her. Patient agitated and looking for her cane. Says it was just here. Called daughter again. Daughter said cane has been at patient's home the whole time. Patient continues to look for cane. At 2300 - patient awake and confused. Asking the same questions over and over.

10/28/05 -L., M.D. - Discharge Summary. Includes following comments: "Dr. T. found the patient **confused** as to her prior history and felt the patient had probable acute myocardial infarction, **dementia**,..." "The patient, when I first saw her in the hospital on October 24, 2005, knew she was in the hospital, but did not know the time or my name." "Later on October 24, 2005, the patient became **confused** and agitated." Dr. C. was consulted by phone. "I also had a long discussion with the daughter that the patient should not be living at home alone after discharge. The daughter told me that she would arrange for 24-hour care givers." When patient was discharged, home health was ordered. Social work was contacted and met with daughter who stated she had arranged 24-hour home care givers for the patient. Patient's daughter was advised about follow-up care after discharge.

10/28/05 - Discharged. Diagnoses: **senile dementia with delirium**.

10/28/05 - Discharge summary form. Patient **confused**, only oriented to self. Agitated frequently. Dr. L. spoke with Emma regarding discharge instructions.

END OF ABBREVIATED MEDICAL RECORDS

What has been left out of this review of Frances' medical records were notes about her medications for her heart condition, arthritis, and diabetes, as well as x-rays and MRI's, blood tests, etc.

When Frances was released from the hospital, we soon found that having 24/7 caretakers for Frances at her condo was impractical, if not impossible. At first Rhonda, Edmond, one of Rhonda's friends and Emma and I took turns staying the night with Frances. We slept on a convertible couch which wasn't very comfortable.

During the day Emma used a private company that supplied "sitters" to stay with Frances. This company wasn't very reliable, and on two occasions the "sitter" was over an hour late, causing problems for the person who spent the night getting to work or on with their own life.

Emma contacted a very good assisted living residence and asked if they had any openings. They said that they thought they might in the near future. That meant that they thought that one of their residents was about to die. He or she did in three days. A day or two later we moved Frances to P.G. which is what I'll call the assisted living residence. That was on November 6, 2005.

P.G. cost about \$5,000 a month. A lot of money. Frances' Social Security and government pension was about \$3,000 a month. Emma was told by a real estate company that the condo could be leased for about \$2,000 a month. So if the condo was rented, Frances' income would be about equal to the cost of P.G. Of course, there would be additional expenses, but there was about \$60,000 in the interest bearing joint checking account Frances had with Emma. The money in the checking account was Frances', and there for her old age. Legally, that money was as much Emma's as it was Frances', because it was a joint account, but Emma always thought of that money as being Frances'. We estimated that there was enough money in the checking account to keep Frances living well at the upper scale assisted living residence for about two years. If Frances died before the two years was up, then anything left would be part of Emma's inheritance, and if Frances lived longer, then there were the various CD's for family members which could be tapped into as needed for Frances' support. After all, that money was Frances'.

In order to lease the condo, it had to be emptied of Frances' possessions. You'd be surprised how much "stuff" a person can collect over thirty years. Although Frances was still alive, her Will had certain items (china, books, etc.) that she wanted certain family members to have. Anything not mentioned was to be Emma's. So Emma called her relatives and asked them to come to the condo and take what was to be theirs when Frances died, and with the exception of a few items, they were free to take anything else they wanted. The more they took, the easier it would be for Emma to empty the condo so it could be leased.

The person who came over most often and took most of the furniture and "stuff" was Rhonda. Emma and I mused that she was probably selling the things she took on ebay. If she was, that would be alright with us, since we needed the condo empty, and soon. During one of Rhonda's visits, she told her mother how much money she expected to get when Frances died. This was not very thoughtful. Emma told Rhonda that she was wrong, that there was a lot less money in the CD for Frances' grandchildren to divide among themselves than Rhonda was counting on. Rhonda got angry and demanded to know why. She was told/reminded that a number of years earlier, Rhonda asked Frances for money to buy a car. Frances had given her \$10,000, and gave the others listed as beneficiaries on that CD the same amount. So the

original \$50,000 plus interest now amounted to about \$21,000. Since there were three beneficiaries, each would get \$7,000. Not the \$18,000 Rhonda thought she'd get, which was a third of the \$54,000 she thought was in the CD.

A fourth beneficiary was George, Edmond's son. He was given \$10,000, but he returned it. (The male family gene at work again?) Frances removed George as a beneficiary, since he didn't want the money. Frances' "threat" to disinherit Edmond had precedent.

When Rhonda heard she was going to get a lot less than she was counting on, her mouth dropped open. She was shocked. Apparently she thought the \$10,000 each of the grandchildren were given came out of Frances' pocketbook, not the grandchildren's CD. Rhonda got so upset/angry that she shoved her mother. So hard that Emma almost fell. Emma said, "Now you know why I wrote you out of my Will." Rhonda turned on her heels and walked up to me and shoved me too, and then she stormed out of the condo.

It took about three weeks to clear out the condo. Emma had a large chest of drawers moved to her mother's room at P.G. Frances loved it and asked Emma how much it cost and where she bought it. Emma told her mother that it was the chest of drawers that had been in her bedroom for thirty years. (Watching someone you love deteriorate from a disease is heartbreaking.)

Emma managed to get the condo leased by the end of December 2005. The tenant was a real estate agent who worked within walking distance of the condo. To make sure he'd get the condo, in case there were other people interested, he sweetened the deal by paying two months rent in advance, along with a security deposit. He gave a check to the real estate company for \$8,000. \$1,000 was deducted for the real estate company's fee, and they gave Emma a check for \$7,000, made out to her. Emma deposited this money into the joint checking account she had with her mother. That brought the balance up to the \$60,000 I mentioned earlier.

Everything was under control. Frances seemed happy in her new "home". Emma visited her almost every day for the first month, and then she visited just a few times a week. For the first time in a few years, we could sleep late on weekends and holidays. No need to call Frances mornings and evenings every day. There were plenty of people to keep an eye on her at P.G., including nurses on duty 24 hours a day. Emma did have Frances' telephone turned off at the condo and turned on at P.G., so she still could call her mother when she wanted, and Frances could call her. But Emma stopped worrying about Frances, because she was being well cared for, so she stopped calling her a few times a day.

Because Frances' hearing was so poor, she needed a special telephone that was supplied by the State of California. To get the telephone, a doctor had to contact some State agency and request it. The telephone looked like a standard land line phone, but the telephone company had to make some adjustments on their end to get it to work. My point is that along with Frances' other ailments, she was almost deaf.

Now you can start getting scared. Don't worry, this isn't the very scary part

On February 9, 2006, Emma got the bank statement for the joint checking account.

When Frances moved into assisted living, Emma had all of her mother's mail sent to our address. Frances was too confused to deal with mail, often didn't understand what it was, and sometimes just threw it away.

The bank statement showed that \$50,150 was missing. This was obviously a bank mistake. It was after the bank closed when we got the mail, so we had to wait until the next day to go to the bank and clear up the mistake.

The next day Emma went to the bank before going to work, and spoke to Ana, a woman who has worked at that bank for many years, and who knew both Frances and Emma. Ana was the woman who told Emma that she was putting a notice into the bank's computer that Emma should be contacted and give her permission before anything was done with any of Frances' accounts. When asked, Ana told Emma that someone removed the money and set up a new CD. Ana said that this new CD was not covered by any of Emma's powers of attorney for her mother. Emma asked how the money could be removed, since there was an order that no money could be removed from any of the accounts without first getting her permission. Ana told Emma that the order did not cover the joint checking account. Ana would not tell Emma who withdrew the money and set up the new CD. She did say that the movement of money took place on both January 26 and on January 30.

Emma was worried that whoever stole the money would steal the remaining money in the joint checking account, and would find a way to get the money in the CDs in Frances' name. Ana suggested that Emma open a new checking account and move the remaining money (about \$10,000) from the joint checking account into it, and close all of Frances' old CDs and reopen them under her name (Emma) with the same people as beneficiaries as were on the old CD's. Emma did this, but left the original joint checking account active, because Frances' Social Security and pension money was directly deposited into it.

Although Emma had no proof, she believed that Rhonda was the one who stole the money. After leaving the bank and before going to work, Emma went to P. G. and told the staff what had happened and asked if Rhonda had taken Frances out of the residence on January 26 and on January 30. She was shown the sign-out sheet which did show that Frances was taken from the residence on the 26th, but not on the 30th. The handwriting on the sign-out sheet was Rhonda's. Emma instructed P. G. not to allow Rhonda, or anyone else, to take Frances off the premises.

After returning to work, Emma called a business "telephone friend" who is a Los Angeles Deputy District Attorney, and told him what little she knew, and asked for advice for what she should do, since she had never been in a situation like this before. The DDA suggested that she go to the bank and ask to speak to the manager, and try to persuade him to give more information, and to put a freeze on the new CD account, to be lifted only when Emma gave permission. He also said that the order that no money be removed from the CDs without Emma's permission also covered the joint checking account. He commented that Emma had the wrong personality (she is too nice) to get the manager to divulge much information or put a freeze on the new CD. For this reason, Emma decided to have me accompany her, since I'm not all that nice.

The next day Emma and I went to the bank and asked to speak to the manager. We were told that the manager was not in that day, a Saturday. We talked to the assistant manager, Ms. Whaley. Emma let me do most of the talking. I managed to get some information. The new CD was in Frances' name, with Rhonda and her two little boys and Emma as beneficiaries. It had a two year term, it was for \$50,000, and opened on January 30. When asked how the \$50,000 was moved, Ms. Whaley said that Frances *had to be present*, and that she had the right to move the money, **since the order that Emma must give her permission** did not cover the joint checking account, but only the CDs. We informed Ms. Whaley that a Deputy District Attorney told Emma that an order on one account covered all the accounts. Ms. Whaley did not argue this point, but turned to her computer, started typing, and said that she was adding an order that no money could be removed from the joint checking account unless Emma was physically present. As for Frances having to be physically present for the transfer to take place on the 30th, P. G.'s sign-out sheet did not show that she left that day. I thought that Rhonda must have managed to sneak Frances out a back door without being seen. (No easy feat since Frances walks very slowly with a walker.)

Ms. Whaley was asked to put a freeze on the new CD. She commented that it was a two year CD, so a freeze didn't seem necessary. I pointed out that if Frances died in one hour, Emma would only receive one quarter of the value of the \$50,000 CD, \$12,500. If the money was still in the joint checking account, she would receive her inheritance of the entire \$50,000 plus the \$10,000 that remained in the joint checking account. Additionally, I pointed out that the \$50,000 **was not available for Frances' care**, since it is tied up in a CD and not in a checking account. Ms. Whaley excused herself, and returned about five minutes later. She presumably made a phone call to a superior. When she returned she started typing into her computer, and said she was placing an order that no money could be withdrawn from the new CD without Emma's permission. Ms. Whaley suggested that Emma bring in her mother to the bank to undo the new CD. Emma told Ms. Whaley that since her mother is mentally incompetent, she was being asked to have her incompetent mother sign legal papers, which is what Rhonda had done. If it was wrong for Rhonda to do this, it would be wrong for Emma to do this. I added that if a lawsuit was brought against the bank, Emma would not look good having done the same illegal thing her daughter had done.

Ms. Whaley was asked why none of Emma's powers of attorney covered the new CD. Ms. Whaley did not give a meaningful answer. Ms. Whaley had been previously told by Emma that Emma had a power of attorney drawn by one of Frances' attorneys when Frances was competent, but that the bank refused to accept it, so a power of attorney used by the bank was created. Ms. Whaley asked if Emma could bring in the other powers of attorney documents on Monday, since maybe they would allow Emma to have power of attorney over the new CD. Emma said she'd fax it on Monday. Ms. Whaley was asked to move the money from the new CD to Emma's new checking account, opened at the suggestion of Ana. I said that If the bank did that, it would avoid a lawsuit. I also told Ms. Whaley that Emma's attorneys would probably include in their closing arguments something like, "Ladies and Gentlemen, what happened to Frances and Emma could happen to you, to your mother and father, and to your children. Send a really big message to this bank to teach them to take care of their elderly depositors who are mentally incompetent, and send a really really big message so that all banks in the country would get the message. I know, I know, if the jury comes in with a judgment of one hundred million dollars, the bank's lawyers will just bribe the judge and he'll knock the judgment down to pocket change for the bank. But the publicity won't do the bank any good". Ms. Whaley did not look pleased. Ms. Whaley said she'd ask the bank manager on Monday about moving the money back to Emma's control.

I also mentioned the possibility of filing a criminal complaint against Rhonda. Ms. Whaley made a comment that I was "escalating" (the reasons for the bank to replace the missing money). After leaving the bank, I said to Emma that I got the idea from Ms. Whaley's comment about "escalating" that a formal police report would cause the bank problems. I also wondered what the bank's responsibility is, if any, in reporting this matter to the authorities.

Emma and I had the brilliant idea of going to see Frances, and making an audio tape recording of their conversation. We didn't know what, if anything, Frances would remember about going to the bank, and if what she remembered would be accurate or... But it was worth a try. Following is a transcript of that tape recording:

*Note: This conversation was held on a day, February 12, 2006, when Frances was more alert and less confused than she usually is at this point in her life. To skim this, just read the **bold** type. Emma showed the tape recorder she was holding to her mother, and told Frances she was going to record their conversation. Frances said "Okay", and Emma turned the recorder on.*

Frances: I just had to hang up on one of my friends, what's her name, that always asks me what am I cooking. So I said somebody's at the door so we...

Emma: Why don't you sit down somewhere and we'll sit and visit.

Frances: So these things were all I don't know what.

Emma: Oh, this is I need for your taxes. I'm going to take this with me. I need this for your taxes.

Frances: What is it?

Emma: It's money that you've donated to the Temple in the past year.

Frances: And you'll take care of that?

Emma: Yes, of course. I take care of all those things.

Frances: But I'm sorry about this thing you've expressed about what's her name. Your daughter. With the money.

Emma: Why don't you sit down somewhere? Don't just stand, Mom. It's no good for you. Frances: Okay, will you sit down too?

Emma: Yes, but I want to see where you are going to sit.

Frances: Where is your husband?

Emma: He's waiting for me.

Frances: In the car?

Emma: Yeah. He's listening to the radio.

Frances: In a way I'm glad that we're just alone together now. So I had a rough day because I was downstairs (*there is no downstairs from her room on the first floor*) in that place where you give the money for the children or whatever.

Emma: For you, not for the children.

Frances: Huh?

Emma: For you.

Frances: For me?

Emma: Yeah.

Frances: Anyway, two of these goyim. I don't mean it for an insult. But two of them came and took me downstairs to have dinner.

Emma: Yeah.

Frances: So they just...They didn't even wait for if I'm ready or if I want to go or...They just came and grabbed me and took me to the restaurant part.

Emma: Well, it was mealtime so they wanted to make sure...

Frances: Huh?

Emma: It was time for your lunch so they wanted to make sure you got there.

Frances: Yes. So it's good in a certain way. But because of the way our mother...sad.

Emma: What do your mean "our mother"? You're my mother.

Frances: Huh?

Emma: You're my mother.

Frances: I'm your mother?

Emma: Yes.

Frances: Yeah, I guess I am. I'm really not thinking right somehow and I made my bed and when I came home, where was I? I don't remember. I didn't go anywhere special. But I came up here and the whole thing is fat, big and it must have been my neighbors across the hall that helps me and redid this thing. Because I didn't have any familiar friends, you know. (*Referring to the way her bed was made.*)

Emma: Well, probably the housekeeper.

Frances: Yeah. So how are things going for you?

Emma: Okay.

Frances: Okay?

Emma: Yeah. I'm fighting with the bank about your money.

Frances: About the money with what's her name? About? What's our granddaughter?

Emma: Rhonda.

Frances: Rhonda? She's away. (On vacation.)

Emma: Well, before she went away she did the damage. So I spent a long time at the bank yesterday. Tomorrow I'll have to go back.

Frances: Are they doing something for you?

Emma: I don't know yet.

Frances: Ohhhhhh.

Emma: So far, no. I'm trying to get the money to go back in the right account.

Frances: See, I was with her when she did this, but I didn't know anything about which way it goes or you know. I wasn't paying too much attention to it. She's on a trip with the family. Do you think you'll succeed in fixing it?

Emma: Either that or I'm going to have to call the police. Get a lawyer. Or get the District Attorney or somebody.

Frances: Ohhhh. Yeah. That's too bad. She's very bright, but she's so bright, why did she do what she did?

Emma: She knows better. What she did was wrong. It was illegal and it was wrong.

Frances: And I was there with her, but what did I know?

Emma: She had no right to take you there to do anything to your account.

Frances: I didn't in any way I didn't offer her anything. I didn't give her anything.

Emma: Well, she took.

Frances: Gosh. So tell me. Are you the one who hurt yourself?

Emma: No, I didn't. You keep saying that I fell and hurt myself. I did not fall. I did not hurt myself. I'm right here.

Frances: Well, where did I get all that?

Emma: I don't know. Who told you that?

Frances: I can't remember now. And here I'm worrying about that.

Emma: There's nothing to worry about. I'm perfectly okay.

Frances: Did you fall?

Emma: No.

Frances: So who told me all that?

Emma: I don't know. Who told you?

Frances: Because I was waiting for some good results from you.

Emma: I don't know who would tell you such a lie.

Frances: I don't know. And I was waiting down in that thing where you give them money for the kids. I was waiting for hours, hoping that you'd come.

Emma: I was here Friday.

Frances: Friday.

Emma: Yeah. You asked me did I fall and I said no, I didn't fall.

Frances: Oh.

Emma: Then you called in the middle of the night last night and wanted to know if I'm better because I fell. If I'm better now. And I didn't fall. Nothing was wrong.

Frances: I called you in the middle of the night? How could I have done that? I hardly ever do that.

Emma: Well, you did it <chuckling>.

Frances: Well, I guess I was worried.

Emma: Well, don't worry because I'm okay. There's nothing to worry about.

Frances: Are you getting along well with your husband?

Emma: We are getting along wonderfully. That's the best thing in my life is my marriage. Frances: Okay, I'm glad you told me that.

Emma: I keep telling you that <laughing>.

Frances: You do?

Emma: Yes. <laughing> That's another thing you keep worrying about and I keep telling you there's nothing to worry about.

Frances: Yeah, well I think that started from the time that you got to know him.

Emma: That started because your grandchildren don't like him.

Frances: Oh, is that what it is?

Emma: Yeah. But he's always been wonderful to me and he's always been wonderful to you. So I don't know why you should be worried.

Frances: Will you please tell me what's going on with my old home?

Emma: It's rented. We have a very nice tenant. A very nice man. He fixed it nicely. He painted.

Frances: How much do we get?

Emma: I don't get. You get. It goes into your bank.

Frances: It goes into my bank? Where do I have a bank and how much money do I have?

Emma: That's the money that Rhonda took out. He had given me three months rent in advance plus a security deposit and it was all in your checking account so I could pay your bills here and pay your taxes and pay for your medications...

Frances: So we have that without...

Emma: And Rhonda took it all out. Rhonda took almost all the money out of that account.

Frances: She's not home.

Emma: She went on vacation with your money, I guess.

Frances: Did you see some stuff pasted on...notes? You can read that. Maybe you'll see what's been happening and it's a shame. Who needs this kind of thing? Gosh. And I don't have enough money. I don't have any money to spend. Do you realize that?

Emma: You don't need money here because I pay every month for everything.

Everything is paid for.

Frances: But if I go shopping...

Emma: You don't go shopping. Where do you go shopping?

Frances: I want to because I ran out of...

Emma: How are you going to go shopping? Are you going to get in a car and go shopping?

Frances: Listen to me. I don't know which way you think, but I run short of bread. I run short of...

Emma: No, bread is in the dining room.

Frances: Where's the dining room?

Emma: Where you go to eat your meals. You're not supposed to have food in your room.

Frances: Come on.

Emma: You're not supposed to be eating in your room. You go to the dining room and you eat your meals.

Frances: I don't know. I feel that I don't have enough food to eat.

Emma: Well, I'll tell them they should make sure you eat more at your mealtimes. You go there for breakfast and you go there for lunch and you go there for dinner.

Frances: It's a minus. With all these things and lots of clothes and everything and when

I'm hungry, I don't have what to eat.

Emma: If you're hungry, you go and tell them you want something to eat.

Frances: Go where?

Emma: You go to the front desk and you say, "I'd like a snack." and they'll give you something. They'll give you a snack. All your food is provided here. I pay for it every month for them to give you your meals every time.

Frances: But I don't have any money in my purse.

Emma: For what? What do you need money in your purse for? *(Note: this is an ongoing discussion. I have asked the administrator at Pacific Gardens for guidance and she said Mother should not have cash. There is a petty cash fund in the office which I supply from which they pay for her hairdresser, manicure and any incidental expenses.)*

Frances: I think I'm a grownup person.

Emma: But you don't have any place to spend it. It would just be here for somebody to be tempted to take it. Or Rhonda to take more money from you. (Loudspeaker announcement.)

Frances: Can you understand what they said?

Emma: Yeah, they're having Trivia with Lillian.

Frances: They're having what?

Emma: Trivia with Lillian. It's a game they're having in the living room. If you want to go to play a game.

Frances: Now? I was supposed to go to one of those things about a week ago or so and somehow or other I don't remember whether I canceled it or they canceled it.

Emma: Well, they have lots of nice activities and you should be doing some of them. You should go to these things.

Frances: And you know the girl who helps me...you know the cleaning up and whatever...she and another one drive me out of my house here to take me downstairs. I don't remember what it was. It was probably a thing they want me to be.

Emma: Well, they probably had music or a movie or something. They have all kinds of entertainment. They want you to go to these things so you'll enjoy them.

Frances: Well, I go wherever they invite me. I never say no.

Emma: Well, lots of times they tell me you come back to your room and lots of times I hear from Terry that they want you to stay and listen to music.

Frances: What?

Emma: Lots of times I hear from Terry that they want you to stay and listen to music or whatever is going on and you say, no, you want to go to your room.

Frances: Who's Terry?

Emma: Terry is my friend out at the desk. The nice woman who works at the front desk who comes in the afternoon and evening.

Frances: Oh. Oh, I know. I like her. I didn't remember that that was her name.

Emma: Yeah, you like her.

Frances: Yeah, I do. I look forward to... One time we went, a lot of people from here, we went to like a concert.

Emma: Good. You should go to those.

Frances: She's very nice. I like her. I like her a lot. But sometimes she doesn't come.

Emma: Well, she doesn't work every day.

Frances: Yeah. This is okay. And I don't know. I just feel that I don't have enough food. *(I think she is remembering being a little girl in Poland and being hungry.)* You keep telling me that I have enough food. And I keep telling you that I want a piece of fruit or I want something.

Emma: I'm going to ask them at the front desk what to do if you want a piece of fruit. I

think you can just go out there and tell them I'd like a piece of fruit and they'll give you a piece of fruit. Because all of your food is supposed to be provided here.

Frances: I don't know. I just want like to go to a drawer, take out something to eat.

Emma: Well, they really don't want food to be in the bedrooms because it makes bugs come. So they don't want you to have food sitting around in the bedroom.

Frances: I never heard them say that.

Emma: Well, that's the way it is. They don't want people having a lot of food in their bedrooms.

Frances: If I want to go buy something....first of all...

Emma: Where are you going to go buy?

Frances: Yeah, see. It's not a private thing for me to go. I have nobody to take me to some of these grocery stores or something.

Emma: Well, you don't need to go to the grocery store.

Frances: I don't know. I don't even know how to explain this to you.

Emma: It's different living in your very own home. I know that.

Frances: Yeah.

Emma: This is good for you now. You don't have to ...

Frances: Now look at that whole thing (*pointing to the bed*). I don't do it that way.

Emma: Well, they make your bed for you.

Frances: I think one of those women who call me. They get into my house here.

Nothing is missing. You know.

Emma: No, they're cleaning. They make everything clean.

Frances: It's so different. I don't feel like comfortable in some ways. Look at that thing.

They put two pillows, one on top of the other. I didn't do that.

Emma: That's okay. You can take one off if you don't want it there.

Frances: And then when I get dressed, they go to the closet and pick out what I should wear and it's so cold. I don't know. I feel like I don't have enough enough...I don't even know how to describe it to you. Maybe it's because I live alone that I feel like that. You know? So. And there's no point in getting someone to live with me. I don't know.

Emma: Well, this bedroom is your private bedroom. But there's people all around. You just have to go out down the hall and there are lots of people for you to be friends with.

Frances: No, they're mostly goyim.

Emma: No, they're mostly Jewish, actually.

Frances: I don't think so. But there is not like warmth about it. Or not too much. It's almost a part of each house is like that. Not that I need that kind of friendship. I don't. But I feel so...they go here, they do that. And it's not a perfect type thing.

Emma: Well, nothing is perfect.

Frances: The one ... I don't know. I just. Maybe I'm too.. **And then with our mother...she's in the hospital.**

Emma: Who? Who are you talking about? You keep saying "our mother". But you're my mother and your mother died a long, long time ago. So I don't know who you're talking about.

Frances: (*Slowly, one word at a time, as though trying to understand it while she is saying it*) My mother died a long time ago? What she like? When did she die?

Emma: She died a long, long time ago. Otherwise she would be about 130 years old by now.

Frances: Why do I keep thinking I have a live mother?

Emma: I don't know. I don't know who you are thinking of.

Frances: Right now she's in the hospital. Wait a minute, you're in the hospital.

Emma: No, I'm not in the hospital. I'm right here.

Frances: No, no, I don't mean that. Isn't it like a career type thing?

Emma: I work for a doctor. I don't work in a hospital. I work in a doctor's office.

Frances: Yeah.

Emma: It's not a hospital.

Frances: Isn't that strange? I thought that you were ...I don't know where I got the idea that you fell.

Emma: I didn't fall.

Frances: You didn't fall?

Emma: I didn't fall. I don't know who told you I fell but I didn't fall. I have not fallen probably since I was a child.

Frances: So how come? Who told me that?

Emma: I don't know. Whoever it was told you a lie. I don't know.

Frances: Did I tell you before that?

Emma: Yeah. You keep telling me that I fell and I keep telling you that I didn't fall.

Frances: Awwwww. But I got it from somewhere. I didn't invent it.

Emma: Well, I don't know who told you that. Whoever it was was lying.

Frances: Okay. I'm glad that I mentioned it now.

Emma: Yeah. You keep mentioning it. Then you call me in the middle of the night to ask me.

Frances: Really? Oh. Well, you know what? It's part of the thing like when you want me to go to a doctor and one of these people in the building here goes.

Emma: Yes, they take you.

Frances: Yeah. So I don't know if that makes me feel like ...I don't know. I don't know. It's strange. I can't figure it out. I'm not unhappy and I am unhappy. And I think mostly it's because I live alone.

Emma: Well, that's why you need to get out and be involved more with the people and the activities. You shouldn't be sitting in your room by yourself so much. You should be out in the living room and talking to people.

Frances: Well, I do. I do that. But it's (sigh). I don't know. People are nice here. And there must be some attitude that I could either throw away or adopt some kind of a...

Emma: You can decide to enjoy everything. That's what we all have to do in life anyway. We can look at problems and just think about problems all the time. Or we can look at the good stuff and enjoy, enjoy our lives.

Frances: Well, you know, I've been calling your phone.

Emma: Yeah, in the middle of the night (laughing).

Frances: I didn't realize that. Because I'm not up in the middle of the night.

(Caretaker comes in.)

Frances: This is my daughter.

Caretaker: Hi.

Emma: Hi.

Caretaker: I think I met you before.

Emma: Yeah.

Caretaker: I was just checking up on you.

Frances: What?

Caretaker: I was just checking on you.

Emma: Isn't that nice? She came to see if you're okay.

Frances: She's very helpful.

Caretaker I'll come back in a little while.

Frances: She did that (pointing to bed). I didn't do that.

Emma: Yeah. Do you want me to take one of the pillows off there?

Frances: Yeah.

Emma: I'll put one on the chair.

Frances: So. I have a lot of clothes in the closet. Maybe you could take some home.

Emma: No, you need to have clothes to wear.

Frances: Hmmm?

Emma: You need to have clothes to wear.

Frances: Too many. Too many.

Emma: No. You change off. Wear different things different days.

Frances: I do need some things like fruit, rolls, bagels.

Emma: No, I can't bring food here because they don't want the food to be in the room and make ants come.

Frances: Oh.

Emma: So they don't want you to do that. You need to go to the dining room when you want something to eat. You go for your meals and you go if you want something.

Frances: And I have clothes here.

Emma: Yeah, those are for you to wear.

Frances: But I don't wear. I don't need.

Emma: So wear them.

Frances: Hmmm?

Emma: Why don't you wear them? (laughing) They're your clothes, so wear them.

Frances: I have clothes in the closet so..

Emma: Yeah, those are your clothes.

Frances: I think the whole idea is that I live alone.

Emma: All right. But you are not really alone because you just have to open the door and walk out and there are a lot of people around you can talk to and visit with. If you are in here by yourself, it's because you are deciding to do that. But you don't need to be.

Frances: I don't know.

Emma: You lived alone for a long time in your condo.

Frances: You mean back home?

Emma: Yeah. You were alone there too.

Frances: I was alone, but I wasn't alone. Because the people that I knew I was easy with. Like the one who has the grocery store (*referring to a neighbor who used to sometimes pick up things for her at the market*). I had just a little while ago one of my friends that always asks me about the cooking. And of course, the other one, Susie, is easy. Today I got a letter from the whole religion thing, my Temple, to ask for a donation.

Emma: All right. Those things you give to me to take care of.

Frances: Hmmm?

Emma: You give me those things to take care of.

Frances: Oh, would you?

Emma: Yes.

Frances: So when I sometimes I do send something. Sometimes I don't.

Emma: I know. I know. But I have to take care of it. You don't take care of it now.

Frances: So is someone living in where we lived?

Emma: Yeah. There's a very nice man living there.

Frances: A family?

Emma: A man.

Frances: Just a man?

Emma: Yeah.

Frances: So what kind of furniture do they have?

Emma: I don't know. I didn't see his furniture.

Frances: Hmm. Do you go there on Sundays the way you used to?

Emma: No. It belongs to somebody. I can't go walking into his apartment.

Frances: Oh. (Laughing.)

Emma: He's entitled to his privacy.

Frances: Yeah. So what kind of rent do they pay?

Emma: \$2,000 a month.

Frances: \$2,000 a month? And do you see much of the neighbors?

Emma: No, because I don't go there.

Frances: You don't go on Sunday?

Emma: There's no reason for me to go there. You're not there.

Frances: I liked that feeling that Sunday feeling. You worked hard at it.

Emma: Well, today is Sunday and I'm here.

Frances: (Laughing) So are you in the hospital?

Emma: No, I'm not in the hospital.

Frances Oh, my God. I worried the whole day today. Downstairs, you know, on the..

Emma: I did not fall. I am not in the hospital. I'm fine.

Frances: So who told me all that?

Emma: Whoever it was lied to you. And you just have to stop thinking about it because I'm not. I'm fine. I didn't fall.

Frances: Can you imagine that? I don't even remember who told it to me.

Emma: I don't know. Whoever it was shouldn't have said that because it's not true.

Frances: And you know. I was spending my time where you come in that thing and so sometimes I'm in where we eat and stuff and sometimes I'm across in the thing.

Emma: In the hallway?

Frances: Yeah. But I enjoy what's her name, your friend.

Emma: Terry?

Frances: Yeah, I think that's her name. And a couple of times we went a whole group from here and of course I went with her and I like her a lot.

Emma: Well, she's very nice.

Frances: Yeah, I feel free with talking to her. Not that I give her what things talk. I can complain or not complain or whatever. But it's an easy simple friendship.

Emma: Yeah. She's a nice a nice person.

Frances: And like that. But do you think that you could manage to take me to a movie or to something? You don't have time to do that?

Emma: I don't go to a movie. I haven't been to a movie in years.

Frances: Is that right?

Emma: I don't have time.

Frances: I don't go to anything like that.

Emma: They have movies here at night.

Frances: Hmmm?

Emma: They have movies right here in the living room at night. Some nights they have movies.

Frances: In the living room?

Emma: Yeah, go down the hall and they have movies right there.

Frances: What are you talking about?

Emma: They have movies here. Down the hall in the living room, across from where the dining room is. They have that big room. You sometimes call it the 'temple'. It's not a temple, it's a living room. But they have movies there some nights. Some nights they

have live entertainment. They have different things. So you should go when they have a movie.

Frances: Hmmm.

Emma: They have entertainment every night.

Frances: Now where is your husband now? In the car?

Emma: He's waiting in the car.

Frances: Awww. I don't want ...

Emma: Yeah, I'm going to go. Because I still have work to do at home.

Frances: I don't want him to be mad at me.

Emma: He won't be mad at you. But I do still have work at home to do.

Frances: Oh. What work?

Emma: I work for another doctor. I bring home work.

Frances: So how many doctors do you work for?

Emma: Two.

Frances: Two?

Emma: One I go to the office every day and the other I bring work home, to do at home.

Frances: What about your husband? What does he do during those times?

Emma: He does his work. I do my work.

Frances: What does he do?

Emma: He's a photographer.

Frances: Oh. Does he sell it or does he save it?

Emma: Yeah. Both.

Frances: So one of these times maybe it would be nice if you invited me to your house. Or is it not a good idea to do that?

Emma: It's easier for me to come here to see you.

Frances: Hmmm?

Emma: It's easier for me to see you here instead of driving back and forth and back and forth.

Frances: Yeah, but I don't know what your house looks like.

Emma: You've been there. It's the same as it was the last time you were there.

Frances: I never saw your house.

Emma: Oh, many times. Many, many times.

Frances: I don't remember ever coming to your house.

Emma: I know you don't remember. I know you don't remember.

Frances: Not that it's anything very important. But when you love somebody or care about somebody, you want to be with them.

Emma: I'm here.

Frances: I'm happy when you come here. But somehow it feels like something is missing when I don't see you in your house. Did you ever do that through your marriage life? With me?

Emma: You came to my house many times.

Frances: I don't know.

Emma: I'm going to have to go.

Frances: Thank you for coming.

Emma: Yeah.

Frances: If you come a little more often, I'd appreciate it.

Emma: I come as often as I can. I'm here several times a week.

Frances: And it would be nice to go out and have dinner with you, with your husband and me. It makes it a family type thing, warmer.

Emma: Okay.

End of tape.

So much for your background information.

The next day Emma faxed the power of attorney requested by Ms. Whaley, along with a note requesting that the bank replace the money taken by Rhonda. Emma ended the brief note with the comment that while she waited for a reply, she would begin a search for an appropriate law firm should that need arise. Although Emma verbally (in a phone message saying that she was faxing the document) requested a response from the bank the same day, she did not get one.

At the end of the business day, Emma called her attorney friend Bart, who refused to bill her for his efforts to get lawyer Seymour to “back off”, and asked him if he knew an attorney who could help her. After all, she wasn’t getting anywhere with the bank, and the missing money was needed to pay Frances’ bills. Bart said he knew the perfect lawyer for her, Dick, and he’d call him and ask him to call Emma the next day. Emma had been keeping notes of who she spoke to at the bank and when and what was said, and she told Bart she’d fax it to him. Bart said if he thought it was helpful, he’d send it along to Dick.

Emma got a call from Dick the next day. He told her that his law practice specialized in banking law. He sounded like the PERFECT lawyer for us. He had read her notes and only had a few questions. He said he would write a letter and send it that day to the bank, requesting that the money be returned to the account it was taken from. After Emma got in touch with Dick, she finally heard from the bank manager. She told him she couldn’t talk to him because she had just retained a lawyer, and she gave the bank manager his contact information.

A few days later we met with attorney Dick. While we were there he called the bank manager, and put him on speaker phone, so we could hear their conversation. Some clarity came from this conversation. Emma also gave Dick a \$4,400 check for a retainer fee.

(1) Both the \$150 and the \$50,000 were taken from the joint checking account on the same day, January 26, and the new CD was established that day. The date of January 30th for the start of the CD was due to a problem with the bank’s computer (bank error).

(2) The manager said he saw Frances standing in line with Rhonda, and seeing that she was elderly and frail, he took her to a seat and asked what her banking needs were. Frances said that her telephone had been shut off, and she needed \$150 to get it turned back on. Rhonda had ostensibly taken her to the bank to get \$150 cash (for the phone bill). Not likely. Just how was Frances going to pay the phone company? Why didn’t Rhonda call her mother, or ask the administrator of P. G. to call her mother, and ask that the bill be paid? Rhonda later said that she used her credit card to pay \$141.98 to have the telephone bill paid and turned back on, and the \$150 was to repay her. As for the phone being turned off: When Frances moved into P. G., Emma had her phone turned on- a special connection was needed because the phone was designed for hard of hearing people. Emma told the phone company to send the monthly bills to her at our home. She did not receive a bill. The phone company sent it to Frances’ new address. Frances did not tell Emma about the bill. When Emma heard that the phone had been turned off, she called the phone company, complained about not getting her mother’s bill, got the amount of the past due bill (\$79.15 - not \$141.98) and she sent a check for the past due amount. Emma asked if the phone had been turned off, and was told that there was no record of that happening. Since she had no problem calling Frances, and Frances had no problem calling her, we were mystified about the telephone being turned off.

(3) The bank manager said that while chatting with Frances, who seemed perfectly

lucid to him, she inquired about how much interest she was getting in her checking account, and the bank manager told her she could get more if she put the money in a CD. The CD was set up.

Lawyer Dick asked the bank manager to undo everything the bank had done which would avoid "the proverbial Federal Case". The bank manager said he couldn't do that. Over the next few weeks Dick tried different strategies to get the bank to put everything back the way it was, telling the bank that there would be no lawsuit if this was done. Without success. One day we met at his office to try to get him to start putting together a lawsuit. He called the bank and spoke, again on speaker phone, to a bank lawyer. The lawyer gave a different version of what happened when Frances moved the money. According to him, Frances was angry with Emma because she didn't pay a \$150 phone bill, and wanted to punish her by moving the money to a CD. This differs from the bank manager's version given above. During the speaker phone conversation, the bank lawyer gave more information about the new CD. It turns out that there are seven people listed on it as beneficiaries. (Rhonda, her two sons, Emma, Emma's son Ephrim, and two others.) Why Ms. Whaley led Emma to believe that there were only four names on the new CD is unknown. Each person listed on the new CD is an equal "beneficiary". Therefore, Rhonda and her two minor children would receive a total of \$21,000. About the amount Rhonda thought she'd inherit when her grandmother died, only to find out that she was going to get a lot less because she had previously received part of her inheritance.

The bank lawyer said that the bank is considering reporting Emma for elder financial abuse. When asked why, Dick was told that Emma's moving three CDs from Frances' name to Emma's name was suspicious. Dick told the bank lawyer that the money was moved at the suggestion of Ana. The bank lawyer said that wasn't so. That Ana denies she suggested doing that.

The fact is that Emma used her power of attorney to move equal amounts from three CDs (her CD, her brother's CD, and grandchildren's CD) into the joint checking account on two different occasions. This money was transferred to make sure there would be enough money to pay Frances' bills. This means that the bank had allowed her to have access to that money, and so she could have closed those accounts and taken the money for her benefit a long time ago. She didn't.

The day after our meeting with Dick, I answered the phone. A man asked to speak to Emma. I told him she wasn't home. I said I was her husband. He told me his name (Joe) and said he was from Adult Protective Services, and was investigating Emma for Elder Financial Abuse. He proceeded to tell me the bank's side of the story. I listened gritting my teeth. When he finished, I told him our side of the story; that Frances was suffering from dementia and was in assisted living, and that Rhonda took her out and \$50,000 was missing from a joint checking account Frances had with Emma, and that money was needed for Frances' care, and that Emma was worried that someone would take Frances back to the bank and take more money, and so on the advice of Ana, various CD's were closed and reopened in Emma's name...

Joe told me that by law he'd have to go and check up on Frances, but he had been to P.G. in the past and knew it was a fine residence. He said that if he didn't find any problems, he'd stamp the file "Closed, Inconclusive". I said "Okay, fine." Before saying goodbye, he gave me two telephone numbers for Federal agencies to report a bank to, and then said, "Please don't get me involved with lawyers." We both giggled.

I told Emma about my conversation with Joe, and she called lawyer Dick and told him. The next day Emma went to visit Frances, and as she passed by the office at P. G., the administrator, Susan, motioned her in. Susan told Emma that Rhonda had come by a few days before to take Frances out. Susan told Rhonda that no one was permitted to

take Frances off the premises, on the instructions of the person with the POA (Emma). Rhonda became angry and shouted at Susan, telling her that the POA was invalid and that she was going to have an attorney revoke it. Susan told Rhonda her behavior was not acceptable, and ushered her out of the building. Susan told Emma that she has given an order to the staff that if Rhonda visits her grandmother, she is to be monitored. When we got home we found a certified letter from the bank. It said that ALL of Frances' money had been frozen by the bank. That included the money in CD's that Emma transferred to her name, and the money in the new CD Frances had opened. The few thousand dollars in the new checking account in Emma's name was not frozen. Emma called Dick, who said he had received that notice from the bank. Interestingly, the date on the letter was the same day the bank manager finally called Emma and she told him she couldn't speak to him because she had hired a lawyer. It took a while for the bank's mail room to do its thing. Did the bank manager call to tell Emma that the money was being frozen, or did he freeze the money to retaliate because Emma was speaking to a lawyer?

Two days later Emma faxed numerous bank receipts to Dick showing that she had been allowed to move money from the CDs to the joint checking account in the past, and also faxed him copies of emails among family members. She told him he had only one more try to get the bank to move everything back, and then she wanted to end the "negotiations", and wanted to file a lawsuit for any money she is out (the \$50,150), plus money for legal fees, plus money for her aggravation and money for punitive damages. Dick let us know that was going to fax a letter asking the bank to move everything back (and would fax a copy to us), and giving them one day to do it. After all, Emma and I and Dick had been asking the bank to do this for about six weeks, so the bank had run out of time. When we got the fax, we saw that the last paragraph told the bank they had one week to respond. We were not happy.

About two weeks after Dick gave the bank one week to move everything back, Emma got a fax from him, saying that he doesn't think Emma has (much of) a case. Dick focused on the bank reporting Emma to Adult Protective Services, and pointed out that we don't know if the bank is the entity/person which contacted Adult Protective Services. If we sue the bank and it turns out that Rhonda reported Emma, then we would be liable for the bank's court costs. He also wrote that it's Emma's word against the bank's, and that a jury will believe the bank. Emma got very upset. We felt that Dick was missing the point. The point was not being reported to Adult Protective Services, which was a very minor point. Our suit would be that the bank allowed something to happen that they shouldn't have, and have refused to simply reverse things and make them right and caused Emma and me a bunch of mental pain and anguish, along with money for Dick.

The letter from Dick set both of us off. According to him, all of a sudden we had no case, that what the bank and Rhonda did was just fine and dandy, and we were the ones who were in the wrong. Emma started calling around and tried to find more out about Dick. What motivated him to make a 180 degree turn? This wasn't his attitude when Emma hired him. She found out that Rick's practice was banking law, but he neglected to tell us that **HE DEFENDED BANKS FROM PEOPLE WHO WANTED TO SUE BANKS**. *People like Emma*. Dick wasn't the perfect lawyer for us, he was the PERFECTLY WRONG lawyer for us. Once we had this information, we understood Dick's strange letter saying that we had a weak case and that the jury would believe the bank. And we understood why he hadn't brought a lawsuit. If he did, he'd be biting the hand that fed him. Word would circulate that he had changed sides and sued banks, and his lucrative paydays from banks would end. We did wonder why he took the case in the first place, and why he didn't tell us that he defended banks from people like Emma... A lie by omission, says I.

Emma fired Dick. He kept all of the retainer we sent him.

So let's see where things stood. There was \$50,150 missing which was needed to pay for Frances' bills. We gave Dick \$4,400 out of our own money. All of Frances' remaining money was frozen by the bank, except for a few thousand dollars Emma moved from the joint checking account to a new checking account in her name only. Emma was reported to Adult Protective Services for investigation of elder financial abuse. And we didn't have a lawyer to try to undo this mess.

About a month after I chatted with Joe from Adult Protective Services, he called again. I answered the phone, and he reintroduced himself and said, "Is Rhonda still trying to loot money?" This made me feel really good. I thought, "He got it! He understands!" Up to this point, the bank kept telling us that nothing they (or Rhonda) did was wrong, and Dick told us we didn't have a case. At least someone got it!

Joe went on to say that he had been so swamped with work that he hadn't marked the case closed, and wanted to do so now, or he'd have to visit Frances again and check on her, and he didn't want to take the time to do that. Joe said that after speaking to Frances at P.G., he realized that he could get her to sign any piece of paper he put in front of her.

He asked if anything new had happened since he last called, so he could put it into his report. I told him that Emma hired a lawyer, and it would be hard for Rhonda to loot more money because the bank had frozen all of it. He asked me if I had called the telephone numbers he gave me, and I told him that Emma gave them to her lawyer, and I didn't know what he did with them. (I didn't tell Joe that since Dick was a "bank lawyer", he probably just threw the numbers away, or already had them. But he certainly didn't call and complain about the bank.)

Joe said he was going to close the case right away, and said goodbye. Now what to do? The money was frozen, we were out \$4,400 to a sleazy lawyer for nothing, and we didn't have a lawyer. Emma was getting depressed. That's not her usual state. The doctor she worked for asked what the problem was. She said she was having trouble finding a lawyer who would go up against a bank, and she didn't know what to do. The doctor told her to call Frank, one of his golfing buddies, who was a lawyer.

She called Frank, told him what was going on, and he told her to come in and have a chat. She did. He said he'd file a lawsuit on her behalf. He said Frances would also have to be suing the bank, and both would have to sue Rhonda because Rhonda started the whole mess. Emma said okay. He said he'd need a retainer of \$10,000. Emma wrote him a check from our "old age" money.

About a month later the lawsuit was filed. Nothing happened for another five months. No contact with the bank, etc. Except, Frank started calling Emma and asking meaningless questions. Really. After a few months of this, and being billed \$200 for each of these calls, and then other fees for "research" and so on, Emma and I added up how much we had paid him in six months. It came to \$16,000. And he didn't even know the names of the people involved. He'd ask Emma, "Who is Rhonda again?" We realized we would be broke paying Frank for his nonsense calls, and also paying for Frances' care, and for our own expenses...

Emma fired Frank. Now we had a lawsuit filed, and no lawyer. We were in panic mode. Emma called a lot of lawyers, and none were interested in taking over the case. We found out that banks have unlimited resources, and can swamp lawyers with paperwork, and drive people suing them into bankruptcy, and a whole bunch of lawyers don't want any part of any of that. We also learned that a lot of lawyers worked as counsel for banks as their first jobs after passing the bar, so they were not disposed to suing them. The bank might say "conflict of interest".

I suggested to Emma that she start calling her public defender telephone friends from work, and ask them if they could refer her to a lawyer who might take the case. This, because public defenders are usually "kind hearted" and might know a "kind hearted" lawyer. One did

come through and gave her Carl's number.

Emma called Carl and told him what was going on. It turned out that Carl's father had Alzheimer's disease, and he understood what was going on without the need to convince him that we were being ripped off by Rhonda. We dropped into his office. He had gotten the lawsuit that had been filed, and said, "I don't want to criticize another lawyer's work, but this lawsuit doesn't demand that the money be returned to the joint checking account." That was the whole purpose of the lawsuit! So we paid \$16,000 to Frank for what?

Carl told Emma that she had a good case against the bank, and that he could likely prove fraud, breach of contract and conversion (a legal term for theft) all on the part of the bank, in addition to negligence. We didn't understand how, but he was the lawyer, not us. Further, since Frances was incompetent at the time she moved the money, the entire transaction was not legal and should simply be voided.

Carl said he'd have to amend the lawsuit, which of course would cost us more money. Carl then asked if Emma wanted him to handle the case. We were desperate and would have been happy for any lawyer to take the case. But Carl seemed to understand the case, and understood what dementia/Alzheimer's disease does to someone, and he said it was a good case, instead of telling us we had no case and a jury would believe the bank and not Emma, as Dick had said. Emma told Carl she wanted him to be her lawyer. He asked for a retainer of \$7,500. Golly, he was a bargain compared to Frank's \$10,000 retainer. Emma wrote him yet another check from our old age money.

The amended lawsuit was filed. By then we'd spent about \$27,000 for lawyers. Lawsuits in Los Angeles County are supposed to go to trial in one year. So we thought that after another five months for Carl to bill us, and then a week or two for the trial, then hopefully our misery would be over. Just getting the money released and Emma having access to it would be a blessing.

But things didn't work out that way. The lawyers who didn't want to go up against a bank had good reason.

Rhonda was not only sued by us, but also by the bank. Simply put, they said it was all Rhonda's fault. Because she was acting as her own lawyer, and she didn't know anything about the law, (as I suppose you don't,) she didn't do some paperwork properly, or get it to the court in time, so the bank won its case against Rhonda by default. All this meant was that if Emma won money from the bank, Rhonda would be liable to pay the bank back. But since Rhonda didn't have any money...

At various court meetings with the judge in the case, Rhonda was often out of control. She'd yell and scream and say she didn't do anything wrong and she should be dropped from the case. Once, while I was sitting outside the courtroom, four Sheriff's deputies or Marshals or whatever galloped down the hall and three of them galloped into the courtroom while the fourth stood guard outside. Less than a minute later Rhonda came running out, followed by her two sons, aged four and six, and shouted to them, "Hurry up or they'll put you in jail!" She and her sons disappeared into an elevator and the police went back to where they came from.

Shortly after this incident the judge started pressuring both Carl and the bank lawyers to drop Rhonda from the case. Both said that since Rhonda started the whole mess by bringing her grandmother into the bank, they couldn't. The judge said he'd write an order protecting both sides against any legal fall-out if they dropped Rhonda. Both Carl and the bank lawyers dug their heels in and refused to drop Rhonda.

Possibly to keep Rhonda out of his courtroom, the judge gave a total of ten months continuances (delays) to the bank. This with a 96 year old plaintiff (Frances). The longer he could keep the "strange" Rhonda out of his courtroom, the happier he was. But it also gave the bank ten extra months to flood us with paperwork, which meant each month there were bills from Carl for us to pay.

Carl said we should depose a bunch of people, so we'd know what they would say in court, and maybe get information which would help us. A deposition is when a person is asked questions under oath by a lawyer. There is no judge present. Just the lawyers from each side, and a court reporter. A twenty minute deposition could cost \$2,000, and an hour's deposition could cost a lot more.

We paid to have Rhonda, Edmond, Ana, and the bank manager deposed. We did get some interesting tidbits of information. For instance, it turned out that Rhonda and the bank manager, Allen, were friendly, if not friends. She called Allen by his first name. Both said that he gave Rhonda preferential interest rates on her CD's. So Rhonda had some money in CD's, and she was friendly with Allen, who assisted in the transfer of the money.

Rhonda stated that her grandmother was just fine and clear thinking the day she took her to the bank and that purchasing the CD was her grandmother's decision. She did admit that she had to help her grandmother remember the names of family members to put on the new CD as beneficiaries, and that she had to do the "paper work" for her grandmother. She also admitted that she, and her two little boys, were the major beneficiaries of the new CD should her 96 year old grandmother die within two years. In their depositions, both Rhonda and the bank manager said that there was too much money in the joint checking account and that it wasn't earning interest. The fact is that it was an interest-bearing account. As for the "too much money", there was not enough money to make up the shortfall between Frances' income and her expenses. Frances' income was about \$5,000 a month, and P.G. cost about \$5,000 a month. But Home Owner's Association Dues, property taxes, condo insurance, medical expenses, etc. etc. etc. added up to about \$2,000 a month. That meant that there was about \$24,000 a year needed to pay Frances' bills. That money was in the joint checking account, until it was moved to the new CD. So where was the \$24,000 a year supposed to come from?

Do you believe that a mentally competent person would neglect to have enough money available to pay her bills? And do you believe that the bank manager, acting as Frances' financial adviser, either didn't ask questions about Frances' income vs. expenses, or he did and didn't care that she wouldn't have enough money to pay her bills?

Allen testified that he had been recently transferred to the branch where Frances had her money, specifically to improve morale, and to upsell CD's. Upsell means to get people with money in savings or checking accounts to move their money to CD's, since the CD's make more money for the bank. So when Frances moved the \$50,000 from the joint checking account, Rhonda benefited because she, along with her two little boys, stood to gain about \$21,000, and Allen benefited because he got a "gold star" for moving a bunch of money from the checking account to a CD, which was what he was sent to that branch to do. Both Rhonda and Allen won, in a manner of speaking.

As for why Emma wasn't notified by Allen that Frances was moving money from one of her accounts, Allen said that he neglected to push the button on his computer that would have shown him the screen telling him to notify Emma and get her permission. Just a little oversight on his part. Whether he really didn't see that message, or did see it and ignored it, is something we'll never know.

Allen offered during his deposition to undo the transaction and put all the money back where it had been, thus settling the case. But when Carl asked what he would do if Rhonda or someone else brought Frances to the bank for a repeat of the transaction, Allen said he would handle the situation the same way again. That Frances could do whatever she wanted with her money. Emma and Carl looked at each other with disbelief. Carl then said there would be no point in settling the case. We'd just be back where we started and have to file a new lawsuit and go through all the same hell again, if Frances moved the money or gave it to Rhonda or someone else. And apparently Allen was saying that he'd neglect to push the

button on his computer to see the screen saying that Emma should be notified...

We also found out that Rhonda had been going to the law offices of the bank and chatting with the head lawyer for the bank, and with his paralegal, who she'd sometimes go out to lunch with. Golly gee, she lost the default judgment to the bank, and now she and the bank's legal department were pals. What was going on, Emma and I wondered. When we deposed Ana, she committed perjury repeatedly by lying under oath. She was caught between a rock and a hard place. While she knew she was supposed to tell the truth, she also wanted to keep her job at the bank, so she had to say whatever was most helpful to the bank. Thus she denied assisting Emma when she opened new accounts to move Frances' money to, in order to protect Frances' funds from again being taken. She admitted that Emma told her that she needed to protect Frances' money, but denied that she advised her about a method to do so. She also admitted that she put a notice into the bank's computer saying that Emma should be notified and give her permission if Frances tried to do anything with her money.

Edmond was also deposed. There were some interesting things he said in his testimony. He admitted that he had been absent from the family for a long time and that he regretted it. He stated that Emma had been taking excellent care of their mother and that he admired her more than anyone else he had ever met. When asked about any problems between them, he stated that there were *unresolved issues about the disposition of their mother's condo and those issues would never be resolved*. Thus, in effect, he stated that there was no oral agreement regarding the condo since an agreement cannot be based on unresolved issues.

And the bank deposed Emma. I wasn't there, but Emma told me about it afterwards. It was a terribly stressful experience for her. The worst part was having to talk with the lawyers about her mother's declining condition. Emma told me that they had to take several breaks so she could regain control of herself and stop crying. One shocking thing was said to her by the bank's lawyer after Emma testified about the money from our old age fund we used to pay Frances' bills since the bank froze all the accounts. He said that Emma was not legally responsible to pay her mother's bills. Emma was horrified and I was equally horrified when she told me about it. What a nice guy that bank lawyer is! A true sweetheart. I suppose he would let his own mother be thrown out on the street when her bills remained unpaid. Well, he is a lawyer, after all. What he was really saying was that if the bank lost the lawsuit, the bank wouldn't have to repay us for the money we used to pay Frances' bills.

The bank decided to depose Frances after a year had passed since the filing of the lawsuit. Since dementia/Alzheimer's disease is a progressive disease, deposing Frances at this stage wouldn't do much good. Reread the tape transcript of Emma's conversation with Frances about a week after the deed was done, and multiply Frances' confusion by a factor of 100...

Since Frances had declined so much, physically as well as mentally, Carl fought to keep Frances from being deposed. Finally, Carl and the bank's lawyers agreed to meet at P.G. where she could be eyeballed by the bank's lawyers to see if she was in any condition to be deposed. After about three minutes, Carl and the bank lawyers walked out of P.G., and the notion of deposing Frances was forgotten.

After the bank's lawyers saw and tried to talk with Frances, they insisted that she be dropped as a plaintiff from the lawsuit. A mentally incapacitated person can't sue someone. Well, that's what Carl told us. So the lawsuit had to be amended one more time, this time to take Frances' name off it, so now only Emma was suing the bank and Rhonda.

Time kept passing by, and there was more and more paperwork both coming and going. One involved a motion brought by the bank that the judge had to rule on. It was a Motion for Summary Judgment, which in short means that the bank asked the judge to

dismiss the case because there was nothing to it. The judge found fault with the bank's paperwork, so didn't rule on the MSJ. At that motion the bank's lawyers told the Judge that they had closed all the existing bank accounts which they had previously frozen. Now those accounts weren't frozen, they didn't exist. The bank's attorneys handed checks to the judge's clerk for the total amount of the now nonexistent bank accounts. Now all the money lived with the Superior Court of Los Angeles County.

In addition to the judge pressuring the lawyers to drop Rhonda from the case, he also ordered Emma to sue all of the people listed as beneficiaries on the new CD Frances opened, or maybe it was Rhonda who opened it... Emma asked Carl why, and he said he didn't know, but maybe it was to protect the bank if the judge ruled against them and ordered that the money be returned to the joint checking account. Or maybe the judge thought that Emma wouldn't sue a bunch of her relatives, including her two very young grandchildren, and so drop the case. When Edmond found out about the judge's order, he spoke to his son, Dennis, who was also a beneficiary on the CD. Dennis was an Air Force Lt. Col., and he told his father that if he was even named as a defendant in a lawsuit, he'd immediately lose his security clearance and would immediately be out of the service. Edmond told Emma this, and she told Carl. Something had to be done to protect Dennis' career. Carl had a chat with the judge. They agreed that if all the beneficiaries signed waivers, saying that they had no financial interest in the new CD, Emma wouldn't have to sue them. So Carl drew up waivers for the beneficiaries to sign. All signed but Rhonda. And she had her two little boys sign their waivers. As I said, Rhonda is strange.

All the waivers were identical, except for the one for Edmond to sign. Apparently Carl decided at his one meeting with Edmond at Edmond's deposition that Edmond wasn't to be trusted. So Carl added that Edmond wouldn't sue Emma for any reason for anything that happened before the date Edmond signed the waiver, and after. Three portions of the waiver are below. It may be a bit too legalese for you, but you'll get the gist of it:

5. IT IS FURTHER STIPULATED Defendant [Edmond] hereby releases and discharges Plaintiff [Emma] and all of her agents, representatives, employees, and all of her heirs, successors, executors, administrator and assigns from and against any and all claims, agreements, contracts, covenants, representation, obligations, losses, liabilities, demands, and causes of action which Defendant may now or hereafter have or claim to have, by reason of any matter or thing, whether a personal or business nature, whatsoever, to and including the date hereof.

6. It is further stipulated that Defendant [Edmond] has consulted counsel or has had the opportunity to consult with counsel concerning the consequences of entering into this Stipulation, including, but not limited to, the entry of judgment against Defendant pursuant to the terms of this Stipulation, and Defendant has knowledge and understanding of its effect.

10. Defendant [Edmond] expressly understands that in no event may any act or omission on the part of Plaintiff [Emma] Plaintiff's agents or employees or third parties, or concerning any matters, including any such acts or omissions which occur after the date of this Stipulation, be raised as a defense or counterclaim to the instant action or in defense of entry of enforcement of judgment pursuant to this Stipulation, rather, any claim, demand, deduction, or offset predicted upon any such act or omission shall be raised by Defendant, if at all on in separate action."

Since the money was no longer frozen by the bank, but living with the Court, Carl asked the judge to release some money for Emma to use to pay her mother's bills. Since the money was frozen, Emma and I paid a total of \$21,950 from our "old age money" to pay for Frances' bills, even though the sleazy bank lawyer told Emma that she had no legal obligation to pay her mother's bills. Over time, the judge released a total of \$30,000 of Frances' money

living with the court to Emma, which was used immediately to pay Frances' bills. As soon as the check from the court was deposited in the bank, checks were written to pay Frances' bills.

The bank lawyers eventually redid their paperwork, and the judge ruled on their Motion for Summary Judgment. He ruled that Emma had no case. There was no negligence on the part of the bank. This in spite of the fact that the bank assured Emma that Frances' money would be protected and that Emma would have to give her permission for Frances to do anything with her money. In short, the judge ruled that the bank did nothing wrong. Also, that Emma should get all of the money that was once Frances', and then became Emma's when she closed her mother's CD's and reopened them in her name to prevent someone (Rhonda) from taking Frances to the bank and stealing more money. He ruled that Emma should get the money to take care of Frances. He did not rule that Rhonda or Edmond or Emma's son or anyone else be given any money.

The judge did not mention whether Frances was competent or incompetent at the time the money was moved, which was the main point of the lawsuit: That a mentally incompetent person entered into a contract when she opened a CD, and that a mentally incompetent person can't legally enter into a contract. In any event, the lawsuit was over. The Judge ruled, and that was that.

Now start getting very very scared

A check sent by the Court arrived from the court two days after Frances died at the age of 97. The check was for the money the bank gave to the court when the bank closed all of Frances' accounts. When Emma got the check from the court, which amounted to about \$140,000, she put it into a new bank account at a new bank. No sense putting it into the bank account she still had at the bank that first froze the money and then closed the accounts. They might freeze the new money, or close the account. At this point, to get the judge's ruling, Emma and I had spent about \$55,000 on legal fees to get back the \$50,150.

After Emma finished paying off her mother's bills, she went to her accountant who did our taxes and asked him to do an accounting so she'd know how much money her relatives should get. After all, they were beneficiaries, and then the bank closed the accounts, and Emma had the money, so shouldn't the original beneficiaries get something? She wanted to find out exactly how much of Frances' money was spent for her care, how much money came in from her Social Security and pension and from the rent on the condo, and how much money we spent from our own funds for Frances' care, how much money we got from the judge from time to time, and how much we spent for the legal fees to get the money back, etc. Then figure out what proportion of the money we spent should be repaid to us from the money Edmond, Rhonda and the grandchildren would be entitled to. After all, why should we be out about \$77,000 for Frances' expenses and legal fees, for something Rhonda started? We thought that we would eat one-third of the \$77,000, and the others should also eat one-third each: (Edmond, from "his CD", and the three grandchildren, from "their CD"). Seemed fair to us.

The accountant looked at the judge's order and Frances' Will and how the check was written to Emma, and said to Emma, "It's all yours." We just stared at the accountant. He went on to say that Emma didn't need an accounting because she knows what she did with the money, so why audit herself?

We decided we needed a lawyer to tell us what to do. We found an estate attorney, who told us the same thing the accountant said. Although Emma didn't like Edmond or Rhonda or her son Ephrim, who took Rhonda's side, she thought they should get something, even if she didn't have to give them anything. So she did her own accounting, and spoke to

the estate attorney, and told him how much she was willing to give her brother, son, daughter, and her nephew Dennis, the Air Force officer. He said that if Emma wanted to offer them money, he'd send them letters and waivers with her offer. The waivers said that they wouldn't sue over the estate. He said they were "standard" in estate matters. He gave them thirty days to accept Emma's offer, and they all had to accept the offer or the offer would be withdrawn. Below is the letter sent to Edmond:

"Dear Mr. -:

Please be advised that this office represents Emma - in connection with the Estate of Frances -.

As you are aware, pursuant to court order, Ms. - [Emma] was awarded \$170,611.72 from the account of Frances -. Since no appeal was filed within thirty days following the order, this judgment is now final.

Ms. - [Emma] is also the remainder beneficiary of the Last Will and Testament of Frances -. This Will has not and will not be submitted to probate. If it were, the same result would take place.

Despite the above, Ms. - [Emma] wishes to make some distributions to the people who had accounts set aside for them by Frances - before the changes in the various accounts. This generosity is based upon Ms. - [Emma] own desire and is not required in any way by legal obligation.

However, before any distribution can take place, Ms. - [Emma] would like all potential beneficiaries to be aware of the many expenses she incurred in handling the care of Frances -, as well as the myriad of legal expenses she had to pay to obtain the funds from the bank.

Therefore, we would like to inform you of some of the expenses paid as part of this estate:

**Care of Frances - prior to passing;\$22,000
Assisted Living Facility plus Legal Fees to settle estate ;\$7,500
Future Return of Tenant's Deposit;\$4,000
Legal Fees from Court matter to free bank account;\$55,000
Totals;\$89,000**

We will provide each of you with an itemization of your share in a future letter. Some of you may actually owe funds back to Ms. - [Emma] and she is considering foregoing collection of those amounts. Others will receive amounts she deems appropriate. All beneficiaries will be required to agree or nothing will be distributed.

**Thank you for your attention and cooperation. If you have any questions, please have your attorney contact me.
Yours very truly"**

Only Emma's nephew Dennis accepted. The others never responded. Emma asked the estate attorney what she could do to give money to Dennis, since he stayed out of this mess, never contacting her to drop Rhonda from the lawsuit, unlike Edmond and Emma's son Ephrim. She was told that there was nothing to prevent her from giving Dennis a gift, so she sent him some money with "gift" written on the check.

Since Rhonda, Edmond and Ephrim did not sign the waivers they were sent by the estate lawyer, we assumed that some day one or all of them would sue us. So each month Emma logged onto the Los Angeles County Superior Court website and checked to see if we were being sued. This cost about \$5 each time she searched, but it seemed worth it to us to be reassured that we weren't being sued. One day in 2010, when Emma checked the website, she said, **"We're being sued!"**

NOW START TO PANIC!!

Rhonda, Edmond, Ephrim and Rhonda's two little children, who were beneficiaries on the new \$50,000 CD, are suing us. And Edmond is trying to enforce an **"oral contract"** to get half of what Emma sold their mother's condo for. (Actually, it was Emma's condo, since she was joint owner with Frances and then full owner when Frances died.)

(1) There is a 300 year old point of law called the "Statute of Frauds" ("Google" it) which states that all real estate contracts must be in writing. Since Edmond, with the help of his attorney, are suing to enforce an oral real estate contract, right away there's something wrong with his case.

(2) Remember that Edmond was deposed in the bank lawsuit, and was asked about the disposition of his mother's (and sister's as joint owner) condominium. He replied that there are "unresolved issues" which would "never be resolved". Unresolved issues do not a contract make. The deposition was taken approximately three years after the "family gathering" where Emma and Edmond discussed their mother's condo in Frances' kitchen.

Between these two points, I don't know what the Hell his case is about, unless Edmond and his lawyer assume that since the case is being heard in the legal cesspool of Los Angeles County where the lawsuit against the bank took place, Edmond has an excellent chance of winning.

There is a second part of the lawsuit, which involves the money that Rhonda stole. She (and her brother and uncle) apparently feel that she stole it fair and square, and so they should get it. Besides the Judge giving Emma the money that still remained in the possession of the Court, Frances' Will said that anything left over in her estate was to go to Emma. If the argument is made that the money given to Emma was to take care of Frances, then anything left over is now Emma's, according to Frances' Will. And the FACT is that the judge gave all the money the bank gave to the Court to Emma... After all, the judge could have given it back to the bank and ordered them to reestablish the original accounts as closely as possible, or even given it to Rhonda or Edmond or Ephrim. Or to a Conservator.

Additionally, they want the money that would have been theirs if Rhonda hadn't done her thing. (The money in CD's owned by Frances with them as beneficiaries, which were closed by the bank and given to the court.) I think that Edmond and Ephrim should be suing Rhonda over this point, for screwing up their inheritance. What do you think?

Between the "oral contract" lawsuit and the "estate" lawsuit, we were being sued for about \$350,000.

Do keep in mind that lawyers are in business. And since they know the law, they are in a position to manipulate it to their advantage. You see, it is customary for a lawyer to contact someone he is about to sue and ask to have a chat. This way, he can try to get information that might be helpful to his side before the person about to be sued can get a lawyer. Also, the lawyer might find out things his clients neglected to tell him, such as signed Waivers or a previous lawsuit, etc. And of course, he might be able to negotiate a settlement. (Doing this, the lawyer would make less money, because there would not be a lawsuit that dragged on and on.) The lawyer who brought the lawsuit against us did not contact us before doing so. I'll refer to him as Mr. Dirt. According to the Court's database, the lawsuit was filed about 27 days before we discovered we were being sued. Since we were not served with the lawsuit, Emma (a retired paralegal) decided that the lawyer was trying to get a default judgment. That means if we did not reply to the lawsuit within a set number of days after it was served on us, we would automatically lose. We decided that the lawyer was going to lie and swear that he served us when he filed the lawsuit, and since we did not reply in the specified time, we would lose and would have to pay those suing us whatever they sued us for. Cute, says I. (And don't think for an instant that what I just described doesn't happen!)

The family members aren't paying Mr. Dirt. He is what is called a contingency lawyer. He won't charge them anything until he gets a jury to award his clients money. If that happens, he'll take about one-third of the award. So if he did go after a default judgment, he'd make a fast \$116,000. Not bad for a month's work and about a \$400 lawsuit filing fee. By finding out from the Court database we were being sued, and contacting the lawyer asking to be served, we blew Mr. Dirt's attempt to make a very fast \$116,000 or so. At least, that's the way we see it.

If you noticed, we are being sued for two completely different things, in one lawsuit. Why? Because if the contingency lawyer filed separate lawsuits, he'd have to pay out of his own pocket two filing fees. And since he wasn't getting paid anything from his clients, he didn't want to take more money out of his pocket than he needed to.

Why would a lawyer choose to work on a percentage of what he might get? He's taking a chance. Well, some lawyers are gamblers. Taking a case on contingency is a gamble. Also, they usually have a bunch of cases going on at one time. If he wins big on one, and gets just a little for a few others, and nothing for others, he could make a good living. Since there are contingency lawyers, there must be money in it.

Emma got the email address for the lawyer off the Court's database, and we sent him an email asking to be served. We did not hear from him for two days, so we sent the email again. And again two days later. After a week of trying to be served the lawsuit, so we'd know why we were being sued, we did get it by certified mail. That gave us 30 days from the time we got it to respond. That's when we found that we were being sued for about \$350,000. We assume that it took Edmond, Rhonda and Emma's son Ephrim two years to sue us because it took them that long to find a lawyer to take the case on contingency.

We were upset and worried, to say the least. You see, Rhonda did her thing in 2006, and the judge did his thing in 2008 when he told Emma she had no case, and gave her all the remaining money. So we had been through two years of Hell. The stress on both of us was enormous. Not only were we helping Frances, practically, financially and emotionally, but we were living through the hell of fighting a lawsuit, dealing with lying thieving lawyers, listening to the lies not only from lawyers on both sides, but from those witnesses who were deposed, and the stress of being accused of stealing from Frances, dealing with the effects of the stress on our marriage, watching our old age money dwindling, and so on. And now we were being sued for over \$350,000. Having moved to a different state and now living about 500 miles away from "the scene of the crime", and knowing that this lawsuit had a lot to do with the previous lawsuit, we thought it best to call Carl, the last of the three lawyers Emma had

working for her, and hire him. After all, he knew the history of the “mess” and that would make it easier than explaining everything to someone new.

Carl agreed to help us and we paid his retainer fee of \$6,500. A bargain. He prepared some Interrogatories for Edmond to answer and helped Emma answer some Interrogatories that Mr. Dirt sent to her. Interrogatories are just questions from one side that have to be answered by the other side. We asked Carl to prepare a Motion for Summary Judgment and he said he would do so. The MSJ would point out to the Judge legal issues which we believed should send the case to the trash heap. After all, we had numerous points of law on our side, including the Statute of Frauds, Edmond’s testimony in his deposition that there were unresolved issues concerning the condo oral contract, (an oral contract that never existed), and that unresolved issues do not a contract make, the 2007 Waiver he signed in the prior case that he had no financial interest in the new \$50,000 CD, and would not sue us about the estate, the condo, or anything that happened before he signed that Waiver, which would cover the 2004 “oral contract” that wasn’t a contract, and his Answers to Interrogatories Carl sent him, such as Edmond’s saying that he only signed the Waiver saying he wouldn’t sue out of convenience, and that he really didn’t mean it. Since the bank got the judge to rule in their favor with their MSJ, it was worth a try.

Although Carl repeatedly said he was working on the Motion for Summary Judgment (MSJ), he didn’t do anything about it. He just kept stalling us and saying he was working on it. Once he told us it was finished and was being typed. When we finally demanded that he send us whatever rough draft he had so far, he did a disappearing act. Carl did have a tendency to disappear for a few weeks at a time, something that didn’t endear him to us. But he was familiar with the first case.

After repeatedly trying to contact him with no success, we decided we better find a new lawyer. We searched online and we did talk with a few attorneys, but were not happy with any of them. We also talked with a paralegal who specialized in preparing motions and who sounded like he really knew what he was doing. We thought we might represent ourselves and just have him prepare documents, including the MSJ. But he told us that we needed a lawyer because the judge was unlikely to take our MSJ seriously if we represented ourselves.

So we asked our accountant if he could recommend someone and he gave us two names. Emma and I talked with one of them, Stanley, and decided to hire him. He would talk with the paralegal and they would work together on the Motion for Summary Judgment. Once again we paid retainer fees, this time to both the paralegal and the lawyer. So far we were out about \$25,000 in about six months.

When the judge in this new law case scheduled a mediation, our new lawyer, who I’ll call Stanley “Asperger”, made a motion to allow us to attend via phone rather than travel 500 miles each way during the snow season. The judge insisted that we attend in person or we’d be violating the plaintiff’s legal rights, even though the mediator had said our “attending” by telephone would be fine with him. So Emma and I drove for ten hours, found a motel, stayed the night and showed up at the mediation. The first thing the mediator said to us was, “I want to thank you for agreeing to attend this VOLUNTARY mediation.” Emma very politely let him know that there was nothing voluntary about our appearance. He replied that some judges don’t understand that all meditations are voluntary. I wondered, “What else doesn’t this judge understand?”

The cost for fuel and motels and food for the round trip was about \$750. And we had the experience of driving home through the Nevada desert in a blinding snowstorm. We didn’t know it snowed in a desert. Also, our lawyer charged us about \$1,200 for his time at the voluntary mediation, which lasted about four hours, where absolutely nothing was accomplished, and where he said about fifty words.

Our very own lawyer from Hell. And he may be your next lawyer!

The paralegal, Matt, started working on the Motion for Summary Judgment and started billing us for his time. True, his hourly rate was considerably less than a lawyer would charge, but it added up quickly as we learned that a Motion for Summary Judgment is a major body of work and takes considerable time to prepare. Our new lawyer, Mr. Asperger, seemed very bright, understood the case well, and was also good at billing us hourly. We found that he was very skillful at adding up hours spent on our case. One of his techniques was to encourage us to email him with our thoughts about the case, telling us that we had really good insights and they were helpful to him, and we should continue to send such emails. We did, and he billed us for each one he (supposedly) read and then billed us for each one he replied to. But what were we to do? We were 500 miles away and time was passing by and we needed to have a lawyer. It was too late to “change horses in midstream” again and we’d probably only find another lawyer who would be just as good at billing. So Stanley remained on retainer.

Matt finished the MSJ, which cost us \$9,000, and sent it to Stanley, who reviewed it and filed it with the court. Finally there was a hearing on the MSJ. The judge threw out the plaintiff’s demand for punitive damages, saying that there was no basis for that. But otherwise he denied the MSJ. He said the jury should hear the facts of the case. The effect of this ruling was that it gave Stanley more time to bill us.

The judge in this new lawsuit wanted the jury to rule on the Statute of Frauds. Why the jury should decide on a point of law, which the Statute of Frauds is, escaped us. *Judges are supposed to rule on matters of law, and juries on matters of fact. That is, the jury is supposed to decide whose story they believe, and the judge decides on which laws are applicable and how they should be explained to a jury.*

Mr. Dirt demanded that we have an official accounting made of Frances’ money after Emma took over her mother’s financial life. We complied, which cost us \$12,000. Our CPA showed that Emma had been generous when she offered the relatives a total of \$27,000, and instead they should only get a total of \$21,000, if they should get anything. So they should get \$6,000 less than the amount we offered them, but it cost us \$12,000 to determine that. And Mr. Dirt did not have an accounting made. This was because he’d have to pay for one out of his own pocket, since he was working on a commission. Instead, Mr. Dirt just made up some numbers to counter our accounting.

Remember, assuming we are correct, Mr. Dirt thought he was going to make a fast \$116,000+, with only a few hundred dollars out of his pocket for a filing fee with the court. Now he’d have to pay about \$12,000 of his money to see if his CPA comes up with a different (higher) amount his clients should get. Since he won’t do that, we imagine he’ll just say our CPA is wrong, and try to convince the jury of that. And there is the issue of whether the relatives should get anything, because of how Frances’ Will was written and the fact that the judge in the first case gave Emma all of her remaining money. But since this case is being heard in the legal cesspool, the Superior Court of Los Angeles County...

As I said, contingency lawyers are gamblers.

Mr. Dirt contacted Mr. Asperger and offered to settle the lawsuit for more money than the official accounting he demanded showed the relatives might be entitled to, after we had spent \$12,000 for that accounting, and another \$35,000 in legal fees. And as for the 50% he claims is Edmond’s share of the sale of Frances’ (Emma’s) condo, the number he mentions is about 60% of the sale price. Mr. Dirt makes most other lawyers look honest.

Two days before the trial was to begin, we were notified that the court system was so

backed up there weren't any courtrooms available, and so the trial was delayed for two months. Another two months for Lawyer Stanley to bill us.

This may be hard for you to believe, but I don't think I've made my point about how scuzzy judges and lawyers are. And why I hate them. I'm sure that you'll find that dealing with your own lawyer, if you ever have that experience, will just add to your unhappiness. Think of it this way. Lawyers are as prone to being alcoholics or druggies or being crazy, as anyone else. Lawyer Stanley is, in my opinion, a person with Asperger's syndrome ("Google" it), as well as being just a plain old fashioned thief. Just my opinion. I could be wrong and he's really a perfectly sane and fine fellow. To briefly explain how maddening it has been trying to work with Lawyer Stanley, who I'll now refer to as Our Lawyer From Hell (OLFH), I am going to mention a few cute things he's done to Emma and me:

(1) When we were discussing the case before hiring OLFH, we told him we wanted him to find out if Frances' phone at the old age home was ever shut off. Rhonda said in sworn testimony in her 2007 deposition in the bank case that she took Frances to the bank to get money to repay her for having Frances' phone turned back on because it was shut off for non payment. And the bank manager who was Rhonda's friend said that Frances wanted to punish Emma for not paying the phone bill and so she was taking some of Emma's inheritance away from her.

Emma never had a problem when calling Frances, and since Rhonda didn't tell her that Frances' phone was shut off, Emma called the telephone company to try to find out if Rhonda was lying. They told Emma that there was no record of Frances' phone being shut off. So we wanted some proof that Rhonda lied under oath, not that anyone at our legal cesspool would care. OLFH said he'd find out for us. Almost three months went by, with Emma sending numerous emails to OLFH asking what was happening about the telephone records. He didn't reply to most of them, but he did charge us for sending them to him. Finally he replied about three months after he said he'd find out, and wrote something like, "I don't see how this fits into this case." We told him we wanted to know if Rhonda lied, and that he told us that he'd find out. After some more time passed, OLFH realized that if he did find out that Rhonda perjured herself, he could use that to show the jury that Rhonda is a liar/perjurer, and so anything she said in court may be a lie. So he finally got around to subpoenaing the phone records, about a month before the trial was supposed to start. This had to be done on an expedited basis because we were running out of time before the trial. And of course, he billed us for each email we sent asking about the phone records, and for the *expedited* subpoena. The records didn't arrive by the date the trial was scheduled to begin. Fortunately (or unfortunately) the trial was continued (delayed and rescheduled) for two months. Although we really wanted the trial to take place to end all our stress, it did give our lawyer time to do more preparation for trial, which he found helpful. In the meantime I subpoenaed the phone records and received them in two weeks although the lawyer took months to obtain them. And charged us for all his hard work getting them. The telephone records showed that the phone was never turned off and no payment was made in the amount that Rhonda claimed she paid. Actually, that no payment was ever made by Rhonda, period.

(2) We had a repeat of the above trying to get OLFH to subpoena Frances' medical records regarding her various doctors saying that Frances was suffering from dementia well before she moved to assisted living. This would help support our position that Frances wasn't mentally competent to legally open the new CD, something the judge in the first lawsuit didn't seem to care about. When we finally got frustrated enough, Emma called and ordered the records from the hospital and received them within a week. Emma was the executor of

Frances' estate, and so didn't have any problem getting the records.

Emma then did a "record review". (You might want to reread her review of Frances' medical records to refresh your memory, if necessary.) Simply put, a record review is a condensed version of lots of pieces of paper. A lawsuit could generate thousands of pieces of paper, and lawyers and judges don't have time to read them. So they either have someone on staff, or hire an outside company, to do these reviews. Emma did "record reviews" for doctors and lawyers for 14 years as a "home business" while working for a doctor. There was no way we were going to pay someone to do what Emma is an expert at doing. Besides, Emma only asked for the records (medical reports) from the hospital for Frances' last hospitalization before she was moved into P.G. That's when doctors told Emma that Frances was too confused to be allowed to live on her own.

These records only amounted to about thirty pieces of paper. OLFH told Emma numerous times that she would be seen as biased, so her review was meaningless. She tried to explain that a review only deletes extraneous material. In this case, notes about Frances' heart condition, changes in her medications, etc. And she told OLFH that Mr. Dirt was free to have his own review done, and the two could be compared. This is the way reviews are handled. Then OLFH sent Emma an email saying that she was not licensed to do record reviews. She emailed back saying she had done reviews for 14 years, and unless something changed in the three years since she retired, there weren't any licensing requirements, or any other requirements for doing record reviews. She insisted that OLFH send her the appropriate statutes etc., saying that she needed a license. A few days later OLFH wrote back saying that a friend of his told him Emma needed a license. Yeah, right I thought. This guy is really working against us, and billing us LOTS of money. But we didn't have enough time to find another lawyer and get him up to speed, and give him twenty thousand dollars to get up to speed. So far, OLFH dragged his feet about seeing whether Rhonda lied under oath regarding Frances' phone being shut off, and about getting Frances' medical records and then lied about Emma's ability to review them.

(3) We had a repeat of OLFH procrastination or attempt to lose this case when he said he'd get the Adult Protective Services report, which said that Emma was taking good care of Frances, that the investigator could get Frances to sign anything, etc. OLFH never got that report.

(4) We asked OLFH to listen to an audio CD made from the tape recording Emma made of a conversation she had with Frances a few days after "the incident" as the bank lawyers called the missing \$50,150. The same audio recording you've read the transcript of above. If you remember, Frances sounds confused, and a number of times Frances said to Emma, "I'm your mother?" and said she didn't know what happened at the bank because she wasn't paying attention. Introducing this into evidence, along with medical records, would counter Rhonda's position that Frances was just fine and dandy when Frances decided to transfer the money. Our trying to get OLFH to listen to the CD went on for months. Finally but reluctantly, OLFH realized that the audio recording would be helpful evidence to support our case. More *frustration* from OLFH. And more bills.

(5) OLFH encouraged us to send him emails because, he said, we had good insights about the case, and he charged us a bunch for each one we sent. But it occurred to us that he either didn't read them, or he, too, has a memory problem. Since he seems to be in his early thirties, becoming senile at that age is a stretch for us to believe. So we think he's just been ripping us off. He either asks the same question we've already answered numerous times, or he ignores answering our questions, which causes us to send him yet another email asking him to reply to an earlier email, and we get billed for all of them, but we don't get an answer.

(6) We sent OLFH numerous emails that had been written among Emma's family

members, all of which supported Emma's position that Frances was mentally incompetent as early as 2004, and that Emma was taking excellent care of Frances, etc. OLFH didn't seem interested in them at all. We must have sent him ten emails asking him why, with only one evasive answer. Finally, a month before the trial was due to begin, it seemed like he might be interested in using some of the emails as evidence. This might be because the other side's lawyer wants to introduce emails they think will support their case. (Monkey see, monkey do?)

(7) We tried to get OLFH to understand that no "oral contract" ever took place. Edmond said under oath in the first bank case that there were "unresolved issues" concerning the disposition of the condo Frances and Emma jointly owned. We tried and tried to get OLFH to understand that a contract, written or oral, has to have a meeting of the minds between those involved in the contract, and Edmond's "unresolved issues" testimony showed that there was no meeting of the minds, and therefore there could not have been an oral contract in existence. After a few months, OLFH seemed to understand this point. Maybe he started reading emails etc., and began to understand what this case is about.

(8) Our Lawyer From Hell didn't tell us about his big victory. We learned from him later on that he had won a case by proving that a woman with Alzheimer's disease was competent to change her estate plan. So apparently he thought that Alzheimer's disease was sort of like a bad cold and symptoms could improve. Thus the reports by doctors, nurses and the social worker at the hospital several months prior to the "bank fiasco" were meaningless when they said that Frances was very confused and unable to take care of herself.

Remember the first lawyer in the bank case, who neglected to tell us that his law practice involved defending banks from people like us? So OLFH neglected to tell us that he took the side of someone like Rhonda and Edmond, and won that case. It seemed to us that he is a plaintiff's lawyer, not a defense lawyer. But we were money for him to take, and why chase us away by telling us that? Are you beginning to understand why I truly hate lawyers?

I could go on and on, but won't. Just you wait to see what the cute things a lawyer you're paying does to you. I became so scared of Stanley that Emma and I decided that I should represent myself. After all, we were both being sued for the same things, so anything Stanley did for Emma would be for both of us. But if I represented myself, I'd be able to ask questions in court if Stanley didn't ask questions he agreed to ask. Emma and I were not confident that Stanley was capable or interested in actually winning this case. Well, to give you an idea of how dreadful all of this has been, and what it can do to a person, I'm including an email Emma sent to OLFH:

"7/23/11

Dear Good Stanley and Evil Stanley,

That's how I think of you now. I think of you as a multiple personality. Good Stanley is the one who is handling the condo part of the lawsuit and doing an excellent job of it. Evil Stanley is handling the estate part of the lawsuit and doing a poor job and is so frustrating to work with that I could scream (and frequently do). I want to fire Evil Stanley and I want Good Stanley to take over the whole case.

As frequently happens with emails I send to Evil Stanley, I ask questions and Evil Stanley doesn't reply to them. If Evil Stanley doesn't have answers, I would much prefer that Evil Stanley would simply say "I don't know" rather than ignore the questions. One

of you has told me that you take my comments as constructive criticism and learn from them. So I hope both of you will take this in the same way. Ignoring what I say or ask is just too frustrating for me to deal with and reinforces what Eliot keeps saying about Evil Stanley being against us instead of being our advocate.

With the above in mind, please respond to the following:

(1) Evil Stanley, why don't you want to introduce my mother's medical records regarding her mental health. You continuously tell me Mr. Dirt's side/position, but don't seem to come up with your response to any objections he may have. Please explain, in little itty bitty words if necessary, why. You don't think they'd help our case????? You keep telling me that Mr. Dirt will object to my review of the records. So let him. The review I did is supported by the actual records which can be offered in evidence. Count the number of times that doctors and nurses stated in their reports during my Mother's hospitalization in October, 2005 that she was suffering from dementia, needed 24/7 care, etc.

(2) Evil Stanley, I have asked you to give me the citation of whatever statute says that someone who reviews records must be certified or licensed to do so. Please give me the legal citation. You can't, can you. Because you lied to me!

(3) Evil Stanley, you now have the AT&T records and they show that Rhonda lied, so you say you are going to introduce them and get Rhonda to lie again at trial. It seems to me that you don't want to use them, as you don't want to use the medical evidence. Please explain why, again in little itty bitty words if necessary. You have told me that Rhonda will say that she made a mistake about the amount she paid for the bill. My advocate, Good Stanley, (which is what you, Evil Stanley, are supposed to be) would remind her that she said in her depo that she had her credit card statement in front of her to show Carl and so was very specific about the amount she claims she paid. Good Stanley would present the AT&T records and show that there is NO mention that the phone was ever turned off and NO charge for turning it back on, and NO mention of the payment of \$141.98 Rhonda claims she made. Is Evil Stanley going to tell Mr. Dirt that he can say that a past due bill equals a phone shut off? Or is Evil Stanley going to say that for him? Good Stanley, you have lots of documentation to support our side of the case but Evil Stanley seems to want to avoid using any of it! WHY??? (Really Evil Stanley, can't you see why Eliot and I have trouble trusting you? We have a lot of ammunition, and you refuse to use it. I want Good Stanley to take over.)

(4) Evil Stanley, the whole topic of Alzheimer's disease and

mental incompetency seems to be a difficult issue for you to deal with. Yet it is essential for our case. When you told us about the prior case you won by showing that an Alzheimer's patient was competent, that set off alarm bells in us. I don't know anything about that other woman or what stage she was up to in her disease. I do know about my mother! So did the doctors who treated her just before she went to the bank with Rhonda. Further, the decision to move that money that was needed for her care without checking the facts was a very bad decision and not one my mother would have made if she knew what she was doing at the time. REALLY REALLY REALLY, Evil Stanley, tell me what your problem is with telling them my mother was mentally incompetent.

(5) Regarding the record review again, I have repeatedly told you, Evil Stanley, that standard procedure is for both sides to do their own record review and if there is a conflict, the actual records that are disputed can be presented to the court to make a decision as to which is accurate. If Mr. Dirt objects to our record review and/or to the actual records, why are you afraid to confront him and ask him where his record review is? I think Evil Stanley is a fraidy cat! Mr. Dirt has had plenty of time to subpoena the medical records and review them himself or have them reviewed by an expert. Again, this position of Evil Stanley does not elicit trust. Please explain why we are wrong for thinking this.

(6) Why does Evil Stanley seem to be so resistant to playing the audio CDs at trial? Again it seems Evil Stanley is trying to deny that my mother was as confused as she was at the time. I had to get you to have [a person in his office] listen to them and tell you that they show my mother's confusion. Evil Stanley, do you really want me to believe that you can't understand that my mother's statement, "I'm your mother?" shows she's incompetent? Tell me that you will definitely play them at trial or, if not, why not. You have previously said you'd bring in your laptop and some microphones etc. to play them. But I don't trust Evil Stanley. Again, why is it that Evil Stanley seems to be working against our best interests? I want Good Stanley!

(7) Good Stanley, what do you plan to tell the jury about why the plaintiffs shouldn't get anything based on my Mother's Will, etc.? Evil Stanley, maybe you want to tell me why this is not okay for Good Stanley to say. I want Good Stanley to tell Evil Stanley to stay out of the case.

Good Stanley, you really really seem to understand the part of the case about the alleged oral contract and seem to be prepared to fight for us on that part of the case. But when it comes to the part of the case regarding the estate, Evil Stanley seems to be very conflicted about it. PLEASE START THINKING AS MY

ADVOCATE! INSTEAD OF SAYING WHAT Mr. Dirt WILL SAY OR WHAT Rhonda WILL SAY OR WHAT ANYONE ON THE OTHER SIDE WILL SAY. YOU SOUND AS IF THEIRS IS THE FINAL WORD. THINK ABOUT WHAT YOU WILL SAY AND HOW YOU WILL ARGUE FOR OUR SIDE!! Good Stanley should explain to Evil Stanley how this is done. If Evil Stanley cannot handle it, Good Stanley should take over the whole case!! Which is what I want.

The fact is that Evil Stanley is literally in a panic about the jury believing that mother was mentally incompetent. That's why he lied to me about my "credentials" [to do record reviews]. (And he lied in writing!) I honestly believe that Evil Stanley needs psychological counseling. No kidding. He's really evil. Evil Stanley reminds me of my children. They hate me. When I ask them why, they ignore me. It's as though I didn't ask. I believe they don't answer because they don't know why they hate me. That might not make sense to you, but it would make sense to a "shrink". I wonder if Evil Stanley knows why he is trying to undermine the estate part of the case? I think he's like my children! (If he does know, please tell me.) A word of advice for you: You need to examine your beliefs and attitudes toward Alzheimer's disease. It appears that you are afraid that if you show that my mother was not competent when she went to the bank, it will make you worry that you may have been wrong in that other case about Alzheimer's. If you made a mistake in that other case, admit it to yourself. You'll feel better afterwards. You will be just like Good Stanley! That other woman's case had nothing to do with my mother and her situation, forget about that other case and focus on proving this case. Don't damage us because of how you might feel about that other case!

Good Stanley, please respond to all of the above. Please do not ignore my concerns.

Emma

p.s. Eliot just read this and is thinking of putting it into his book to show the readers just how frustrating it is to deal with lawyers, even those who are supposedly representing them."

OLFH didn't respond to the above letter. Instead, shortly after it was sent, Emma got a call from him, followed by an email. He said that he/his associate (whom we've never met or talked to and know nothing about) are afraid to be in court with me (Eliot). They/she are afraid of me. He said the reason was my threatening emails to him, and that I am writing a book about him. So, he says, he has the right to resign from the case, about a month before it is due to be tried. This of course freaked Emma out. She's now 70 years old and doesn't need the mental abuse and physical stress **Our Lawyer From Hell** heaps upon her (and me).

Below is her reply to his email.

“Hello,

I thought the nightmare couldn't get any worse until I just read your email. I am not aware of any threats made either by Eliot or by me. We have both expressed our frustration in emails on occasions when we have felt that we have to repeat things over and over again to either convince you of their importance to the case or to remind you of what we previously told you and you appear to have forgotten. Is that what you mean by threats? As for Eliot's book, it is not a book about you. It is about the legal system. As far as I know, he is not using anyone's real name in the book. Just telling a story of what it is like to be involved in litigation and with lawyers.

For example, the very first lawyer I retained in the [bank] case neglected to inform me that his practice consisted of defending banks from people like me. I didn't learn this until we had paid him \$4,400 and he never brought a lawsuit on my behalf although he repeatedly told me he would. Simply put, he didn't want to bite the hand that fed him. You neglected to tell me that you fought a case and won it by proving that a woman with Alzheimer's disease was competent to change her estate plan. If you had told me that in the beginning I wouldn't have hired you. Also, as for the AT&T records, at first you told me that finding out about the \$150 Rhonda got wouldn't be a problem for you, then in an email you said you didn't see how that fit into the case, then in an email you said you could use that to impeach Rhonda if she lied under oath [saying that my mother's phone was shut off for nonpayment], then you couldn't get the records until after the case was scheduled to be tried, [but it was postponed for two months] although Eliot got those records in two weeks. Don't you think the general non-lawyer public should know about things like this?

As for our emails, I don't know what was threatening or why your associate is afraid to attend the trial. I wonder if it has anything to do with what Eliot sent to the judge on Monday (as I told you he planned to do if he didn't have everything before August 1st when [Mr. Dirt] was going on vacation). Your email saying that you were going to snail mail the documents for his signature and he should snail mail them back to you upset him. Is that a threat too? [This is in reference to legal “stuff” that was promised to be sent to me, but kept being put off.] At any rate, it has been many months that you have been working on this case and it is still confusing for you. Trying to get a new lawyer and trying to bring him or her up to speed with trial scheduled in a few weeks is an impossible task. So now at the last minute, after all the tens of thousands of dollars we've paid you, you are now “threatening” me about possibly “abandoning the case”. What do you want me to do? Beg you to continue to

represent me? Beg you to use the records from AT&T, from the hospital, the emails, etc.?

You implied that Eliot is dangerous. That is absurd. I've known him for over 18 years and have NEVER seen him lift a finger against anyone! Eliot has no record of ever being arrested or even questioned by the police, he has a perfect driving record, etc. If he were a violent person, he would have had some history by now (at age 68) of getting in trouble with the law. Oh, in 1966, he did get a traffic ticket for blocking an intersection during a 4th of July parade on Hollywood Blvd. Yes, he gets angry and frustrated and yells. That is called "Venting", and may be the reason he has no history of violence. So, how is that dangerous? Really, send me the emails that made you and/or your associate fear for your life. I can't imagine which emails you are referring to.

As for keeping my account up to date, I have been paying your bills regularly as soon as I received them until the past month when you were kind enough to allow me to pay it off in installments. Now you are using that against me.

Really, explain to me what your problem is with this case. Why aren't you being my advocate? You frequently take the plaintiffs' side as fact without telling me how you are going to prove them wrong. That is the major frustration for us. As well as telling me that I need a license to do record reviews!

I think we have been as helpful as clients as we could possibly be. I wonder how many of your clients take the time and effort to provide all of the facts of their cases in detail and how many actually write out questions for various witnesses in an effort to assist you to prepare for trial. I doubt that you receive that kind of help from many clients.

Emma"

OLFH didn't send Emma any threatening emails from me, since they don't exist. He just said that the name of my book is *Kill All The Lawyers*. Emma replied that there is a question mark at the end of the name of the book.

(Sometimes I think that OLFH is trying to lose this case, because he's made a deal with Mr. Dirt to get a piece of his commission. Welllll, I don't really believe that. At least, not most of the time.)

The frustrations of dealing with OLFH and the legal system, at least as Mr. Asperger explains it to us, is taking a toll on both of us. For example, he says we can't use an email from Frances' younger sister sent in 2004, in which she said that Frances didn't know who Edmond was. This email was sent a year and a half before the doctors told Emma that Frances shouldn't be allowed to live on her own any longer.

He said that the above email is hearsay, and therefore is inadmissible. Not to write a lengthy explanation of why things like this drive us up a wall, Emma replied that just about everything she knows is "hearsay". She wrote that since she did not see President

Obama's inauguration, all she knows about him being President is what she's heard other people say. Hearsay!

In keeping with the above, Emma received an email from OLFH which set her off. Funny, Emma used to be an even natured person, always pleasant and optimistic. Five and a half years of dealing with lawyers and the legal system, and paying about \$135,000 to lawyers from our old age money, has had a negative effect on her. I wonder why. So, in response to yet another annoying email from OLFH, she sent off the following:

"Hi,

This is the fifth time you have made me cry. I really think you would be more comfortable representing the plaintiffs instead of me. I wish you had told me that on day one. For example:

- 1. You put off getting the AT&T bills until the trial would have been over if it went on schedule. Eliot got them in two weeks.**
- 2. You put off getting the medical records showing that my mother was mentally incompetent. Maybe you didn't want to show that. The plaintiffs are going to say that my mother was perfectly fine that day. How are you going to answer that? You seem to want her to have been perfectly fine.**
- 3. You never got the APS report. [Adult Protective Services.] That would have shown that my mother was so far out of it that Joe [the APS social worker] could have gotten her to sign anything. Again, maybe you didn't want to be able to show her incapacity.**
- 4. I had to beg you to listen to the audio CD and present it as evidence. Mother sounds very confused on the CDs and maybe you didn't want to prove that.**
- 5. You are not at all interested in all the emails in which the family talks about mother's confusion a year and a half before Rhonda took her to the bank.**
- 6. As far as the oral contract, that "unresolved issues do not a contract make". You don't seem to be particularly interested in pursuing that either.**
- 7. You told me I needed a license to do record reviews. When I insisted you tell me what the citation is for that, you said a friend told you so. So you believed your friend rather than me when I had been in the business of doing record reviews for 14 years. Eliot says you just lied to me and no one told you anything.**

All of these are off the top of my head.

**TELL ME -, WHAT ARE YOU GOING TO MAKE THEM PROVE. I WANT TO KNOW!
I WANT TO KNOW! I WANT TO KNOW!**

**I just read a draft of Eliot's book. All he says is that the mess took place in Los Angeles County. He says he is hoping that anyone living in Los Angeles County will be terrified of being involved in a lawsuit or dealing with lawyers after reading his book. Or anywhere else for that matter. In light of the above, wouldn't you be? I'm now going to take a pill to calm down and hope I can get some sleep tonight.
Emma"**

THE TRIAL - NOW YOU CAN REALLY PANIC IF YOU HAVEN'T ALREADY

So many things were wrong with the trial that it is hard to know where to start. Right from the beginning the case should have been in Probate Court instead of Civil Court since the issues all involved Frances' estate. In Probate Court, the rules would have been stricter and would have protected us. Everything in Probate Court must be documented. There is no room for "he said - she said". Since Frances' Will and the Deed to the condo would have been the deciding factors, there is no question but that we would have won the case. But it was allowed to be filed in Civil Court and the judge did not order it moved to Probate Court, although he was asked to. (Of course, we can trace our predicament to the idiot lawyer (aren't they all?) who decided not to take his handling of the estate to probate court. Maybe we should sue him? NO. That would involve dealing with more lawyers and more horrors from them.

In a civil jury trial it is the job of the judge to rule on issues of law and the job of the jury to rule on issues of facts. But even though the Statute of Frauds is a very clear law that has been in effect for over three hundred years, beginning in Merry Old England and coming over to America with the Pilgrims, the judge decided that it was to be decided by the jury. Simply stated, any contract involving real estate must be in writing. There are very few exceptions to this and our case did not involve any of the exceptions. Regardless, the judge allowed the jury to make the decision about whether the Statute of Frauds applied to this case. (I wonder if this decision is unprecedented.)

Although there were numerous medical records proving that Frances was suffering from dementia at the time of the actions in the case and therefore was incompetent to form contracts or to manage her own affairs and even though Emma had Powers of Attorney which authorized her to handle her mother's finances when these actions took place, the judge would not let the medical testimony and records to be heard. Thus the jury was misled as to Frances' mental capacity. I'm sure their decisions would have had to be entirely different if they had been permitted to review the medical reports we submitted.

Remember that Emma had made an audio recording of a conversation she had with her mother a few days after Frances was taken to the bank and helped to move the money from the joint checking account and into a new CD when the money was needed in the joint checking account to pay her bills. In the conversation on tape, Frances sounded very confused, not even knowing that Emma was her daughter. She stated that she remembered going to the bank with Rhonda but didn't know what happened there because she wasn't paying attention.

The judge wouldn't let the tape and transcript of the tape to be heard by the jury. He said they were "prejudicial". Of course they are. They show how demented Frances was. And the judge didn't want the jury to hear that. Reread that transcript if you want to refresh your memory. Ask yourself why the Judge didn't want the jury to hear or read what Frances' said? And the judge didn't allow the jury to hear the recording/read the transcript on their own. Mr. Dirt didn't object. The judge just said they couldn't be heard because he wasn't sure that Frances was aware that she was being recorded. Emma started to tell him that she told her mother she was going to record their conversation, but the judge cut her off in mid sentence. I started to tell him that there was a second tape in which Emma could be heard asking her mother if it was alright to record their conversation, and that conversation was about the missing money and going to the bank with Rhonda, but the judge cut me off almost as soon as I started.

Then there were the horrors of jury selection. Each side is allowed to ask questions of the prospective jurors to try to determine if they will be good jurors or not. In Los Angeles, many of the prospective jurors immediately had to be dismissed due to their inability to understand and speak English. But there are other problems too. There are jurors who don't feel that they can listen to the case. For example, there was one juror who stated that she had recently been a plaintiff in a civil case and that the witnesses just lied and lied and she couldn't tolerate sitting on a jury in another civil case and listen to people lying. She knew she couldn't handle hearing the lies she knew would be told. So the judge asked her if she would be more comfortable on a criminal case. She said she thought she would and she was dismissed from our case and reassigned to criminal court.

Then there was one man who really wanted to get out of jury duty. He said he worked in a grocery store and that he was 95% sure that Emma was a customer who made a habit of returning partially eaten food to the store. Since Emma never shopped in that store and hadn't even lived in the state for almost three years, of course his comment was completely bogus. The judge dismissed him from our case. We were concerned that the judge might be biased against Emma because of this man's story. (Since the judge made us make a thousand mile round trip to attend a voluntary mediation session, I think he was biased against us from the beginning.) (Is it possible that Mr. Dirt bribed him?) (I vote the judge was bribed)

Of course in any jury trial, there is the problem of trying to determine whether the potential jurors will be able to be fair. This is quite a chore when based only on a few questions you can ask them. Further, each side can only eliminate a few people in addition to those who are rejected "for cause" which means that they really are not capable of serving on the jury. Ultimately we wound up with the twelve jurors required plus only one alternate when there are supposed to be two alternates. The alternates are needed in case a juror becomes ill or otherwise cannot continue to serve during the course of the trial. In our case, one juror did become ill and our one alternate had to take over. We did have a bit of a fright when she was about to be sworn in and she stated that she didn't understand a lot of English. She should have said this before she even became an alternate juror. Ultimately she did serve on our jury. Actually, most of the jury spoke English as a second language... This was not a jury of our peers. No way.

Mr. Dirt started off telling the jury that we had taken all of the family's money and moved to Reno where we were living in luxury. That was the beginning of the lies. He kept repeating such lies throughout the trial. So he planted the thought in the minds of the jury and then kept nourishing it every chance he got. He didn't offer any evidence, he just said things like this whenever he could fit them in. And Stanley didn't object. And I didn't because I didn't know how.

The plaintiffs told one lie after another. They said that Emma's mother told them that she hated me, and didn't want me to share in any money the sale of the condo might make

for Emma. In fact Frances repeatedly told Emma how happy she was that we were together and wanted me to visit when Emma visited her alone. They lied that Emma did not provide enough food for Frances when she cooked and shopped for her. In fact Emma checked the refrigerator several times a week to be sure that there was less food in it then when she put in food on her Sunday visit. This, to make sure Frances was eating the food she brought for her. Frances' would forget to eat, and not eating might be a sign that she wasn't feeling well and didn't tell Emma.

Rhonda lied about the phone being turned off and her having to pay the phone bill. The records we subpoenaed from the phone company showed that the phone was never turned off and no payment was made by Rhonda for Frances' telephone. The judge ignored this lie, although the telephone bills were presented as evidence, and showed that Rhonda did lie. I suppose "perjury" only exists in books, movies and on TV.

Rhonda and the bank manager lied about mother's mental condition at the time of the bank fiasco. We had the administrator from the assisted living facility as well as the nurse from P.G. testify that Frances was very confused all the time during that period of time. They were professional caretakers for people with dementia and saw Frances several times each day so they certainly were better able to evaluate her than Rhonda and the bank manager who benefited from lying.

Edmond lied by saying he did not understand the waiver when he signed it despite his testimony that he had an advanced college degree in business administration. So he didn't know that he was promising not to sue Emma and me about anything that happened. So he thought it was perfectly fine to sue us now. Edmond and Ruth lied about bringing Frances cake to eat and taking her to the Cheesecake Factory and having her eat cheesecake when Emma had told them that she was diabetic and couldn't have sugar. When Emma confronted Edmond about this in the past, Edmond didn't respond, but now claimed it was sugar-free cheesecake. (I told Emma a few times that Edmond was trying to kill his mother for the inheritance by feeding her sugared desserts.)

Edmond lied by stating that his parents went to visit him and his wife in Israel for a few weeks when the fact was that his father was doing work for the Israeli government and was on a business trip at the time and incidentally briefly visited with Edmond and his wife. This was said to counter Edmond's absence from the family for most of his life. ("You see, mom and dad loved me so much they came all the way to Israel to visit me.") Edmond lied about really not being absent from the family as much as he was. He and Ruth lied when they said they frequently took Frances to the movies when she wasn't able to hear and would have been too disruptive, asking "what did they say?" so that people around them "shushed them" as happened the last time Emma took Frances to a movie. Really, Frances was close to being stone deaf. Frances had a super duper phone for hearing impaired people that was supplied by the State of California when requested by her physician. The jury was told about this.

When the jury made up by people with very poor English skills and not looking particularly bright to me came back after deliberating and presented their verdict, we went into shock. Yeah, no kidding! We sat there unable to react. They found in favor of the plaintiffs and awarded them everything they asked for. They didn't even allow for Emma and me to be reimbursed for money we spent from our own retirement money for Frances' care when the bank had all of Frances' money frozen.

The jury ignored all of the applicable laws and all of the documentation we had to support our case. These include the Statute of Frauds, the Waiver Edmond signed and Edmond's testimony in his deposition that there were "unresolved issues" concerning the disposition of the condo. They ignored the fact that there was no meeting of the minds as

required to form a contract. Since there were two conflicting alleged oral contracts that didn't exist, there obviously was no meeting of the minds. (One "oral contract" supposedly had Emma agreeing to give Edmond half of the sale price of the condo, and the other "oral contract" that didn't exist was Emma's statement that she MIGHT share as much as 2% of the sales price of the condo if Edmond called off his lawyer and helped with Frances care...

After the trial was over we asked Stanley Asperger what happened. He proposed the theory that in Communist California the jury was determined to redistribute the wealth (in this case, about **\$350,000** of our money).

If you have read this far, hopefully you have learned something of importance. If you are a thief, you've learned how easy it is to use the legal system to enrich yourself. If you are of the honest variety, you've learned that you are doomed. Regardless of what type of person you are, please tell everyone you know about this book. If you know a law student, forward this book to him or her.

What have we learned?

There is no such thing as "the law", as it is depicted in the media. "The law" is decided by a judge, who may be senile, or a drunk, or pill popper, or have psychological baggage that affects his reasoning in a case, or be corrupt, or some combination of these. The judge many decide before the trial begins how he wants the verdict decided by the jury, and so includes or excludes information from the jury, etc. We have also learned that a jury just ignores the law and bases their verdict on their own philosophies, biases and beliefs.

If you think the judge and jury erred, you can always appeal, right? If you have another ten or twenty thousand dollars for the appeal, and if you can put up a bond with the court for 150 percent of a judgment against you, then you can hope that the appeals court judge isn't just like (his friend) the judge whose ruling you're appealing. We found out that we would have to give the court about \$400,000 to start an appeal, and then we'd have to give another thieving lawyer another \$50,000 or so...

We have learned that lawyers are afraid of judges. This is because there isn't any one law on any given subject. There are written laws, which are interpreted by the judges. If a judge takes a dislike to a lawyer, that judge is free to interpret laws in ways which damage the lawyer's clients, and eventually the lawyer's business. So lawyers become "mealy mouthed" when chatting with a judge, even to the detriment of their client. If you don't have big bucks, and you are sued or want to sue, you're outta luck.

Or, you can hook up with a lawyer and go into business with him. The scam of suing and trying for a default judgment has been going on for ages. During the 1970's I was living in a dump of an apartment house in Hollywood CA. A neighbor had a nice car and even had furniture in his two room apartment. I asked him how he could afford his car, since he didn't work. He told me he sued people. He had a lawyer who he worked with on a contingency basis. The lawyer picked up the expenses of the lawsuits, and took a third of whatever he won, and took the chance of getting nothing if he lost. The lawsuits were of the personal injury type. Slip and fall. Things like that. My neighbor would have at least one lawsuit going all the time, and sometimes multiple lawsuits. It's apparent to me that the legal establishment has known about these bogus lawsuits for some time, but haven't done much if anything to curb them. After all, it is a business for lawyers. So what if people's lives were ruined by the bogus lawsuits? So what if their savings for their old age disappears?

One day I saw my neighbor, who was wearing open toed sandal, with a bandage on his big toe. I asked him what happened. He said he picked up a free throw-away paper on the lawn of his girlfriend's apartment house, and walked across the lawn to the front door. He said he tripped over a sprinkler head, and now he's suing. I asked for what reason.

He said, "That's up to my lawyer".

In sociology, acculturation takes place when a child or immigrant learns the values and norms of the society he lives in. For example, "America is a nation of laws" is/was taught as a value of the American way of life. This quality, as others, is depicted in literature, films, television shows, heard on "talk radio", etc., as an important principle which separates American life/values from those of many other countries. Emma and I have learned that the concept of America being a nation of laws is just propaganda. After all, we have all learned one way or another, that a mentally incompetent person can't enter into a contract. Not so, according to the judge in the bank case. And since an appeal costs too much, and might be heard by other judges who also believe that a mentally incompetent person can enter into a contract, an appeal would be fruitless.

In psychology, a schemata is an organizing principle which helps people make sense of their world, their reality. For example, "America is a nation of laws" would be a schemata. Learn the laws, the rules, and follow them, and the American culture makes (some) sense. Emma's and my schematas have been broken. Our view of our American culture no longer makes sense to us. Laws are "willy nilly", arbitrary, meaningless, sometimes applied this way, and sometimes applied that way, and sometimes not applied at all. When a person's schemata is broken, psychological confusion/bewilderment results. The organizing principle that we are a nation of laws, which helped us make sense of our society, is gone. True, laws may appear on paper, but if they are randomly enforced, they are meaningless. For example, any written contract is meaningless if a judge decides to ignore applicable rules, or cite some rules but ignore others. Or if the law says that a particular contract must be in writing, and that law is ignored. Or if a jury's decision is based on their political beliefs... Emma and I feel we are living in a third world legal system.

Emma and I now believe that much of, and maybe all of, our acculturation is nothing more than propaganda we have been brainwashed with, and our sense of what our culture is has nothing to do with the "reality" of what it is. Since our schemata has been broken, we are no longer capable of understanding how to negotiate through life. The rules are not rules anymore.

Of course, we are not the first, or only ones, to come to the conclusion that we have been living in an illusion. We find ourselves living in a world with no real rules, just ones that are convenient for the powers-that-be to apply or not apply for their own benefit or amusement. We find ourselves living in the world of Alice in Wonderland, where up is down and big is little, as we sit at the Mad Hatter's tea party.

We find ourselves in the situation of Don Quixote, who believed what he read about the bygone days of chivalry, and who didn't like the world he found himself living in, as he thought about the "good old days" of chivalry that were long gone. But those days never existed, except in the fiction he read. We now understand that the America we had been acculturated to never existed, either. Except in the propaganda that was part of our acculturation.

Then, there are the fairy tales. We were told as children they were just stories, and not real. The fairy tales are the true guide to real world American life, not the propaganda that we were told was the truth. There are monsters out there, they do prey on the weak and vulnerable, they do take joy in what they do. Fairy tales are not just stories, but the true guides to life, and true depictions of evil. Some of them describe Mr. Dirt, and Mr. Asperger.

This is what Emma and I have learned from this traumatic experience. We have also learned that if a bank lets someone steal \$50,000 from you, let him keep it. It'll cost you more, with years of anguish thrown in, to get the money back, if you ever do. Really. No kidding. We have also learned that all it takes is someone, anyone, to lie and say you promised them something, and for them to find a free lawyer, and you are DOOMED.

Another thing we've learned is that every time we have taken the advice of a lawyer or banker or CPA, we got into (more) trouble.

And yet another thing we've learned is that paying a lawyer to prepare a motion to present to a judge, or a Waiver for someone to sign, or a Power of Attorney to help you take care of someone, is a waste of money, or at least it has been for us. Not only is it a waste of money, but then you can pay the lawyer more money to "fix" the problem with the motion or waiver or POA....

And we have learned that all the lawyers we paid were either liars or incompetent or mentally deranged or... For over 5 years, since this mess started, Emma and I have not had one happy day. And the lawyers and the judges think of what they do as **sport**. Try to remember, this is a cautionary tale. We are thinking of putting lettering on the back of our car that reads, "So many lawyers, so few guillotines".

(A few years after writing the preceding sentence, we did put that bumper-sticker on our car. Older people would walk by, take a long look at the wording, and start to laugh. They've lived long enough to have suffered at the hands of one or more lawyers. Younger people would take a look and keep on walking. When they've lived longer...)

Some background for the coming American French Revolution

Having dealt with lawyers for about five and a half years, we've come to the conclusion that lawyers are members of a cult. Their God is "**The Law**", which they literally worship. Why shouldn't they? Their God has been very very good to them. The God of the cultists tells them that there is no such thing as right and wrong, or fair and unfair, just the word of The Law. To the cultists, if it's legal, it's good, it's fair. And if it's not legal, there are ways to massage the word of their God to make it appear to be legal. This fact leads me to the conclusion that the cultists are what psychiatrists and clinical psychologists call *personality disordered*.

Lawyers are personality disordered, says I. They have no sense of right vs. wrong, or fair vs. unfair. They have no conscience, which is a moral sense of right and wrong. Since the law doesn't care about these things, lawyers don't either. Actually, they think the concepts of right and wrong and fair and unfair are laughable. This allows them not only to take advantage of the opposition, but also of their own clients.

You see, when little children play, it's not uncommon to hear one shout, "**No fair**, you stepped on the line", or something similar. Or, one child might say that it isn't fair that another child wasn't invited to a birthday party. This concept of fair and unfair seems to be built into children's brains. Scientists who study the brain believe they have found that part of the brain where the concept of fairness is located. Fairness is a built-in human emotion. But lawyers do not have that emotion. Fair and unfair are meaningless to them. Only what the law says, or what they can convince a judge or a jury the law says, is of importance. Or what law or laws they can convince a jury to ignore. And what they can keep the jury from hearing is of importance. Lawyers are missing a human emotion, which as far as I'm concerned makes them less than human, subhuman. No kidding.

So our lives are controlled by subhuman cultists who worship their uncaring God, The Law. And when the law isn't treating a person fairly, "So What" thinks the subhuman cultist. The law is the law, and that's the end of the discussion. To give you a concrete example of the bizarre thinking of the cultists, we pointed out to our cultist OLFH that numerous medical doctors, including Frances' psychiatrist, had noted that Frances was suffering from dementia/Alzheimer's disease months before Rhonda took Frances to the bank. Therefore,

Frances wasn't mentally competent to enter into a contract. Our cultist pointed out that medical doctors didn't decide whether a person was mentally competent, but lawyers did. And lawyer Seymour, who testified on behalf of Rhonda and Edmond, said in his testimony that Frances' psychiatrist didn't decide whether Frances was competent, but he did. The cultists are not only subhuman, but also crazy, say I.

Another example of the truly bizarre thinking of the cultists has to do with Edmond's 2007 deposition, in which he said that there were "unresolved issues" regarding the disposition of Frances' condo, and they'd probably never be resolved. This is an admission that no "oral contract" took place in 2004, although that is what his lawsuit was seeking to enforce, the 2004 "oral contract". That statement in his 2007 deposition was inadmissible because it took place in a different (the first) lawsuit, and so can't be used in the second lawsuit. Again, I say that the cultists are insane, and that they have no sense of fair and unfair, which makes them subhuman.

What can you do to protect yourself? I would (but won't) give you the following advice: don't ever ever ever talk to anybody. Not to a family member, or to a clerk at the grocery store. If you do, you may find yourself being sued to enforce an oral contract. The reason we won't give you that advice is simple. You can be sued to enforce an oral contract by someone you've never talked to. With the help of a cultist who will take the case on contingency basis, someone can lie, along with some friends who are "witnesses", to enforce an oral contract which never took place, or for breaking an oral contract which never took place. What's to prevent someone from suing you because he says you promised to pay for his kid's college education, and you didn't? His lawyer can try for a default judgment, and if he succeeds, you're in deep doody. If he fails, all you have to do is pay a lawyer \$50,000 or so to convince a judge or jury that the lawsuit is bogus. (And of course, the judge may have been bribed.) And if you can't, you're out the money for your cultist and the damages the jury awards to the thief who is suing you. Good luck, we say. (If you don't think the above "lawsuit" is possible, start reading this book from the beginning.)

Or let's say you have a mentally ill relative, who hates you and wants to hurt you. Yes yes, we understand, your family is the picture of mental health. How about someone else's family? What can someone being hounded by the "crazy" relative do, or the crazy neighbor who lives down the street? Pay \$50,000 or \$75,000 to a lawyer and hope the jury believes you? Yes, say the cultists. But if the lawsuit takes place in Los Angeles Superior Court, and the person suing you is "poor", and you are "rich"...

Another thing never ever ever to do is to take care of an elderly relative, or anyone for that matter. If you do, sooner or later you may be sued for stealing their money or for "undue influence", or both. No proof of these alleged transgressions is needed, just a thieving lawyer and a thieving relative to try to rip you off. One or more of your relatives who smell money will happily lie their heads off. It won't matter that you have emails from relatives backing your decisions, and receipts for how you managed your relative's money. A lawyer will turn those, and similar evidence that support your position, into damning evidence against you, or see to it that they are inadmissible in court, so they will be of no help to you. Honest, unless you've dealt with lawyers, you have no idea how evil they are. You may win, but it will cost you \$50,000 or more (in 2010 dollars). Or you may lose and you'll be on welfare. So, just let your aged mother or father live in some insect infested city run old age home and refuse to take care of them, to protect yourself. (Of course, you may be sued for not taking proper care of your relative.) You. don't believe me? Just you wait, says I.

Isn't there something that can be done? If anything is done, it won't be done by lawyers, since their God is very very good to them.

Now that you've read our tale of woe, what makes you think it can't happen to you? If

someone lives in a cardboard box on the street, he is known as “judgment proof”. No one is going to sue him, because he doesn’t have anything. Well, maybe the box. If you have any money, like some equity in a house, or a nifty car, or whatever, think of yourself as a moving target. Even if you have an old beat-up car and no equity, if someone wants to make your life miserable, you too can be sued to enforce a nonexistent oral contract. Think about it.

(By now you should be so scared that you’ve messed your undies. Check `em.)

What my crystal ball shows me about the coming American French Revolution

Between 1789 and 1799, the French peasants (ordinary people) were so pissed off with the ruling class (the King, etc.) that they literally sharpened their pitchforks and pulled the members of the ruling class out of their beds and took them to the town square and chopped off their heads using a guillotine. They also chopped off the heads of the ruling class’s little children. What good would it do to kill the Duke of Whatever and have his son immediately replace him? The ruling class was greedy, and the peasants took “the law” into their own hands. Taxes were used to support the ruling class’s exorbitant lifestyle, and the fact that the ruling class was out of touch with the peasants (and growing middle class) was one of the factors which instigated the revolution. “Google” French Revolution. France went from a monarchy to a Republic, although this took a number of years. It didn’t happen over night.

In America today, the ruling class is made up of lawyers. And lawyers, being the greedy personality disordered subhumans that they are, happily suck the peasants (people) dry, and cause great amounts of mental anguish. The lawyers make the laws to benefit themselves, and will continue to do so until they, like the French monarchy, create their own undoing. True, there aren’t many guillotines in America, but there are plenty of wood chippers.

Many politicians are lawyers: 2007 data I found on the Internet shows that about .004% of the population are lawyers. If there are 300,000,000 people in America, then one out of every 12,000 people is a lawyer. Other figures found on the Internet showed that 56 out of 100 Senators are/were lawyers, a far higher percentage than the one out of 12,000 figure given above. And about 175 members of the House of Representatives are/were lawyers, again a far higher number than the one out of 12,000 figure given above. (The above data is very rough, and not current. If you’re interested, do your own research.)

Since lawyers are cultists who worship their God, The Law, and are personality disordered because they lack the human emotion of fairness, then our country is being run by a bunch of subhuman cultists who worship a very strange God. And they decide how you will live and what rights you have, and whether they are allowed to take all of your money and put it in their pockets or not. Just some stuff for you to think about. I’m sure that some of you aren’t convinced that lawyers are all that bad. Maybe just some are. Maybe none. Sooner or later a cultist will get you, and then you’ll change your tune. Others who have had their experience with the lying thieving scum know I’m telling the truth. So what can be done? One thing that can’t be done is wait for the cultists to reform themselves. Their religion has been very very good to them. They don’t see any need for reform. Maybe some more ways to steal more money from more people. That would be the only reform they’d be interested in.

I should briefly discuss how someone becomes a judge, which can be thought of as a “high cultist”. Judges are either appointed or elected. It’s as simple as that. If appointed, why did a politician pick one person, and not someone else, to become a judge? Use your

imagination. Maybe the wannabe judge cultist has a very close personal relationship with the appointing politician, or maybe he's blackmailing the politician, or maybe some group that gives big bucks to the politician wants a particular person to be a judge, or the judge wannabe has raised big bucks for the politician and this is his payoff, or... If the judgeship is an elected post, having the backing of a political party which will get out the vote of the party faithful is needed. How does a judge wannabe get the backing of a particular political party? Try the same reasons just given for an appointed position. Of course, people who live in small towns and rural areas have a chance of actually knowing the person running for a judgeship. They may know if he is fair, sober, honest, and if he comes from a "good" family. People voting for a judge in a major metropolitan area have almost no chance of knowing anything about the wannabe judge, so the backing of a political party becomes important.

After five and a half years of dealing with lawyers and judges, I have concluded that the job of a judge is to make as much money for lawyers as possible. When he gives them a delay in a case, that's more time for them to bill their clients. If he ignores laws, such as the Statute of Frauds, which will end a lawsuit immediately, he finds (a non-existent) reason why a particular law doesn't apply. Therefore, a trial will take place and the lawyer can bill another \$25,000 or more. Or, in our case, he just ignores the law.

I should address the question of just why a lowly cultist (lawyer) would want to become a judge. After all, a good attorney could easily make more money than a judge, unless the judge took bribes. To shed some light on this, there are people who have shoe fetishes who aspire to work in, if not own, a shoe store. And there are sadists who like to cause people pain. What better position to cause people pain than by being a judge? So, if you want to meet your local sadist, try checking out your local judge. Just a thought.

Reform will come about when so many people have been shafted by the cultists that you'll start reading or hearing about another drive-by shooting of a lawyer. Then, as time goes by and even more people are shafted by the cultists, and see their life savings going to them, and hearing about yet another drive-by shooting of a cultist, or another car bomb going off in a lawyers car, lawyers will be hunted down and killed with no regard to the consequences. There will be an American French Revolution. Just you wait and see. The revolution will start off with isolated instances, and grow. And don't forget, judges are lawyers. And so are most politicians.

What can you do right now? Nothing! You really are doomed! The ruling class, a.k.a. cultists, have taken over our country. I have written this book in part to let you know what my crystal ball tells me, that there will be an American French Revolution someday. My crystal ball doesn't tell me just when it will come about, just that it will. Until it begins, you are at the mercy of the ruling class. When the drive-by killings of lawyers starts, those of you who aren't members of the ruling class will see the light at the end of the tunnel. But not until then. Some day this book will be found and the dust blown off it, and people will think that my crystal ball worked very well. Some may wonder if it's for sale.

I was chatting with a medical doctor, and mentioned that I was under some stress because of a lawsuit. Actually, I told him I had managed to quit cigarettes cold turkey for three whole days but got a message from our lawyer, and I immediately started smoking again. And that was from hearing from our lawyer. The doctor said, "A lawyer joke: You see 1,000 lawyers lying on the bottom of the ocean. What do you think? **NOT ENOUGH!**"

This gave me something to think about. Along with drive-by lawyer shootings and wood chippers, lawyers should give some thought to the high probability that some day they

might need a doctor. You know, a doctor who hates them as much as I do? One more way to rid the country of lawyers. Lawyers have no one to blame but themselves.

As for a strategy for dealing with your coming lawsuit, I can offer a thought you might want to ponder. When you find yourself being sued for a truly bogus reason, think about representing yourself. True, the chance of winning is very very small. But, if you pay \$50,000 to a lawyer, that's no assurance that you will win. If you lose, you'll have to pay the person suing you, and pay your lawyer. I think the odds are in your favor if you just accept that you will be ripped off by the thieving cultist who is suing you, but at least you'll have the money you'd have paid for your very own thieving cultist, whether you win or lose the lawsuit. And then, as the drive by shooting of lawyers becomes as commonplace as the drive by shootings of gang members are today, you can hope that the thieving cultist who ripped you off gets his.

If you happen to be a thief, and want to bankrupt someone and maybe make some money, try your own ***oral contract income redistribution scam***.

Oh, when can I expect the check for the ten conceptional art pieces I created that you promised to buy from me? You better pay up soon or I'm going to have to sue you. I have witnesses who will testify that you promised to pay me \$18,000,000 for them, and I've been damaged by your failure to pay because I was going to buy 18,000,000 lottery tickets and I would have won \$350,000,000. So pay up NOW!

Over the past few years I have come up with some amusing thoughts regarding how to deal with the cultists, until the American French Revolution begins in earnest. Just sharing with you:

(1) If a person was told by his doctors he had only six months to live, what would he lose by killing a lawyer? Couldn't that be seen as a patriotic duty? If caught, he'd get free medical care.

(2) What if someone set up a not-for-profit foundation, one which could get tax free donations. The purpose of the foundation would be to give money to families of people convicted of killing a lawyer. A humanitarian thing to do, says I. After all, if the Muslims give money to the family of "suicide bombers"...

Of course, I really don't really advocate killing all the lawyers. Now that I've blown off some steam, I feel just a little bit better. Just a little... However, at the beginning of this book, I mentioned that I have a track record of seeing future trends well before they become trends. It just seems obvious to me that there will be a revolution in America, brought about by the legal system. When enough people have been mistreated and have nothing left to lose...

If you found this book of interest, think about telling a law student about it. Near the beginning of this book, I said you are doomed. And I've taught thieves who have read this book how to steal money from old people with dementia and from just about anyone with the oral contract income redistribution scheme. Well, even thieves can be a victim... Yes, you are all doomed. You are all walking dollar signs for lawyers, and all walking dollar signs for people like Edmond and Rhonda. Should be interesting if someone sues them over an oral contract, now that they have money, or sue the rich lawyer Mr. Dirt...

I'm bewildered. What happened to the Statute of Frauds, which says that all real estate contracts must be in writing, except for a few circumstances*. What happened to

Edmond's waiver saying he wouldn't sue. How can there be two different "oral contracts" which are totally different, and there still be a meeting of the minds. Etc. Repeating myself, I'm bewildered.

* For example, when two people are business partners, and they make a business decision regarding real estate owned by their business, the partners don't have to put that decision/agreement in writing for the agreement-contract to be valid.

Added in 2017: Many of the questions about how we were treated by the legal system we can answer by saying that ALL lawyers, including your Mommy if she is a lawyer, are corrupt. But a lawyer would say that we just don't understand how the law works, is all. So it is that we are ignorant of the law, and the brain damaged drug abusing and/or syphilitic HIV-AIDS diseased lawyers and judges all acted properly? To the drug abusing and/or syphilitic HIV-AIDS diseased lawyers and judges reading this we ask that they give a learned legal explanation for the following, along with their permission to use their name and wisdom in updates to this public service ebook:

1. How did the "unenforceable agreement" become enforceable?
2. Evidence was presented that Rhonda committed perjury. (a) Why did the judge ignore this? (b) Does this mean that we can lie our heads off if we should be placed under oath? If not, why not?
3. What was the legal reasoning for not bringing the social worker into court to explain that she told Emma that Frances shouldn't be allowed to live alone any longer due to Frances' dementia.
4. Was the Deputy District Attorney correct when he told Emma that the order saying that Emma must give her permission **did** cover the joint checking account.
5. And of course, tell us all the things we should have done differently, and how we should have known to do them.
6. What was the legal reason for the judge to have the jury decide on a matter of law, as he did when he had them decide whether the statute of frauds applied in this case. Why the jury should decide on a point of law, which the Statute of Frauds is, escaped us. *Judges are supposed to rule on matters of law, and juries on matters of fact. That is, the jury is supposed to decide whose story they believe, and the judge decides on which laws are applicable and how they should be explained to a jury.*
7. What about a mentally incompetent person entering into a contract.
8. What about the waiver Edmond signed saying he wouldn't sue over the estate and CD or any other issues, and acknowledging that he had the right to consult a lawyer. Remember, when Edmond was asked about this, he said that he only signed the Waiver saying he wouldn't sue out of convenience, and that he really didn't mean it. Is that a legitimate legal argument? Just wondering, is all.

Finally, lawyer, please die a slow and horrible death. Thank you ever so much. Hugo

Lawyer Asperger said that the jury's verdict was based on their left wing political beliefs. We had money, the others didn't, so they should have our money. That's one possible reason. What could be others?

Oh, this saga isn't over. Mr. Dirt is going after us for interest from the day Frances died on what the relatives got in the verdict, and for his court costs. That'll cost us another \$75,000, if that's all.

How did you react to what you've read? If you are of the liberal-progressive-socialist-

communist mindset, I presume that you are thrilled. Why should Emma and Eliot have money, when others don't? If you are of the John Wayne American mindset, I presume you are horrified. You probably see the handwriting on the wall.

Oh, we have decided to add the following to help explain why Rhonda hates her mother and even her grandmother, and why she is like she is. Rhonda is kinda sorta nuts. She appears to us to be bipolar, which used to be called "manic depressive". Her father was bi polar, and there is a strong genetic component to this disease.

Additionally, Rhonda told Emma, with some pleasure, during the "shoving incident" described on page 17, "Dad and I slept together a lot, and he said I was better in bed than you were". If anyone could benefit from psychotherapy, we feel it's Rhonda.

Eliot, 2011